



# The Journal OF THE House of Representatives

Number 13

Thursday, April 7, 2005

The House was called to order by the Speaker at 9:15 a.m.

## Prayer

The following prayer was offered by the Reverend Robert W. Jakoby of Baptist Health South Florida of Coral Gables, upon invitation of Rep. Flores:

Almighty God, Maker of heaven and earth and all living creatures, we bow before You in humble adoration, not just because of the many blessings You give, but for who You are. Thank You, for Your love, Your grace, and Your mercy; for being a God who knows us intimately—our strengths, our weaknesses, our accomplishments, and our failures—and loves us anyway.

Most holy God, we come before You confessing that You are God and we are not. Therefore, we ask for Your wisdom and guidance in all areas of our life. In our humanness when we sometimes go our own way, doing our own thing, remind us that You love us too much to leave us there. Thank You for holding us accountable for our actions because in doing so we realize our need of You. Help us see people—all people—through Your eyes with the same love and forgiveness You give to us.

Giving God, grant us and grant to the members of the House of Representatives Your divine insight and wisdom as they face the many challenges and tasks ahead. Encourage, strengthen, and support each one in doing the right thing. May their minds and hearts be open to You so that they may know Your blessings and peace, even in the difficult decisions they will face as they serve the people of this great state of Florida.

In Your holy name I pray. Amen.

The following members were recorded present:

Session Vote Sequence: 92

Speaker Bense in the Chair.

Adams	Barreiro	Bilirakis	Bullard
Allen	Baxley	Bogdanoff	Cannon
Altman	Bean	Bowen	Carroll
Ambler	Bendross-Mindingall	Brandenburg	Clarke
Anderson	Bense	Brown	Cretul
Antone	Benson	Brummer	Culp
Ausley	Berfield	Bucher	Cusack

Davis, D.	Greenstein	Lopez-Cantera	Rivera
Davis, M.	Grimsley	Machek	Robaina
Dean	Harrell	Mahon	Roberson
Detert	Hasner	Mayfield	Ross
Domino	Hays	McInvale	Rubio
Evers	Henriquez	Meadows	Russell
Farkas	Holloway	Mealor	Ryan
Fields	Homan	Murzin	Sands
Flores	Hukill	Needelman	Sansom
Galvano	Jennings	Negron	Seiler
Gannon	Johnson	Patterson	Simmons
Garcia	Jordan	Peterman	Smith
Gardiner	Justice	Pickens	Sobel
Gelber	Kendrick	Planas	Stansel
Gibson, A.	Kottkamp	Poppell	Stargel
Gibson, H.	Kravitz	Porth	Taylor
Glorioso	Kreegel	Proctor	Traviesa
Goldstein	Kyle	Quinones	Troutman
Goodlette	Legg	Reagan	Vana
Gottlieb	Littlefield	Rice	Waters
Grant	Llorente	Richardson	Zapata

(A list of excused members appears at the end of the *Journal*.)

A quorum was present.

## National Anthem

The Speaker introduced Vivian Baldonado, a graduate of the New World School of the Arts and a music teacher at North County Charter School, who performed the "Star Spangled Banner" a cappella.

## Pledge

The members, led by the following, pledged allegiance to the Flag: Tyler Clayton of Tallahassee at the invitation of the Speaker; Rob Evers of Baker at the invitation of his father, Rep. Evers; Austin McInvale of Orlando at the invitation of his mother, Rep. McInvale; Travis Alan Ross of Lakeland at the invitation of his father, Rep. Ross; and Matthew Silbernagel of Ocoee at the invitation of Rep. Cannon.

## House Physician

The Speaker presented the Honorable Paige Kreegel, who served as Doctor of the Day.

**Presentation of Pages**

Rep. Stargel introduced the following individuals from Noah's Ark of Central Florida, Inc. in Lakeland who served as pages at the invitation of Rep. Littlefield: Terri Fogh, Holli Hausfeld, Brittany Kosik, Clinton Miller, Tim Patterson, A.J. Trueblood, Billy Warnock, and Joann Wood.

**Correction of the Journal**

The *Journal* of April 5 was corrected and approved as corrected.

**Reports of Councils and Standing Committees**

**Report of the Rules & Calendar Council**

*The Honorable Allan G. Bense* April 5, 2005  
*Speaker, House of Representatives*

*Dear Mr. Speaker:*

Your Rules & Calendar Council herewith submits the Special Order for Thursday, April 07, 2005. Consideration of the House bills on Special Orders shall include the Senate Companion measures on the House Calendar.

I. Consideration of the following bills:

- HB 1885 - Fiscal Council, Negron  
Appropriations
- HB 1887 - Fiscal Council, Negron  
Implementing the 2005-2006 General Appropriations Act
- HB 1889 - Fiscal Council, Negron  
Distribution of Proceeds from the Excise Tax on Documents
- HB 1891 - Fiscal Council, Negron  
Education Funding
- HB 1893 - Fiscal Council, Negron  
Health Care
- HB 1895 - Fiscal Council, Negron  
Economic Eligibility Services
- HB 1897 - Fiscal Council, Negron  
Regulation of Health Care Professionals
- HB 1899 - Fiscal Council, Negron  
Corrections
- HB 1907 - Fiscal Council, Negron  
Retirement
- HB 1909 - Fiscal Council, Negron  
Enforcement of Farm Labor Laws
- HB 1911 - Fiscal Council, Negron  
Procurement of Commodities or Contractual Services
- HB 1913 - Fiscal Council, Negron  
Employee Benefits

A quorum was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,  
*J. Dudley Goodlette*, Chair  
 Rules & Calendar Council

On motion by Rep. Goodlette, the above report was adopted.

**Motion**

On motion by Rep. Goodlette, the rules were waived and the following member was considered the first-named sponsor for purposes of sponsorship of Rep. Coley's bill:

HB 1351 by Rep. Evers

Rep. Coley's name was retained as a co-prime sponsor of the above bill.

**Motions Relating to Council and Committee References**

On motion by Rep. Goodlette, by the required two-thirds vote, HR 9061 was withdrawn from further consideration of the House.

On motion by Rep. Negron, by the required two-thirds vote, HB 727, HB 921, and HB 989 were withdrawn from the Agriculture & Environment Appropriations Committee and remain referred to the State Resources Council; HB 1265 was withdrawn from the Education Appropriations Committee and remains referred to the Education Council; HB 1005 and HJR 1007 were withdrawn from the Justice Appropriations Committee and remain referred to the Justice Council; HB 1263 was withdrawn from the State Administration Appropriations Committee and remains referred to the Insurance Committee; and HB 545 was withdrawn from the Transportation & Economic Development Appropriations Committee and remains referred to the Commerce Council.

**Bills and Joint Resolutions on Third Reading**

**CS for SB 366**—A bill to be entitled An act relating to health care practitioners; amending s. 456.072, F.S.; providing that a health care practitioner's failure to comply with the terms of a monitoring or treatment program for impaired practitioners or failure to complete any drug-treatment or alcohol-treatment program is an additional ground under which the practitioner is subject to discipline by the Department of Health or the board having jurisdiction over the practitioner; reenacting ss. 457.109(2), 458.331(2), 459.015(2), 460.413(2), 461.013(2), 462.14(2), 463.016(2), 464.018(2), 465.016(2), 466.028(2), 467.203(2), 468.1295(2), 468.1755(1)(a) and (2), 468.217(2), 468.365(2), 468.518(2), 468.719(2), 468.811(2), 478.52(2), 480.046(2), 483.825(2), 483.901(6)(h), 484.014(2), 484.056(1)(a) and (2)(a), 486.125(2), 490.009(2), and 491.009(2), F.S., relating to health care practice acts and similar regulatory provisions, to incorporate the amendment to s. 456.072, F.S., in references thereto; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 93

Speaker Bense in the Chair.

Yeas—112

Adams	Ambler	Attkisson	Baxley
Allen	Anderson	Ausley	Bean
Altman	Antone	Barreiro	Bendross-Mindingall

Bense	Flores	Justice	Quinones	Carroll	Goldstein	Littlefield	Richardson
Benson	Galvano	Kottkamp	Reagan	Clarke	Goodlette	Llorente	Rivera
Berfield	Gannon	Kravitz	Rice	Cretul	Gottlieb	Lopez-Cantera	Robaina
Bilirakis	Garcia	Kreegel	Richardson	Culp	Grant	Machek	Roberson
Bogdanoff	Gardiner	Kyle	Rivera	Cusack	Greenstein	Mahon	Ross
Bowen	Gelber	Legg	Robaina	Davis, D.	Grimsley	Mayfield	Rubio
Brandenburg	Gibson, A.	Littlefield	Roberson	Davis, M.	Harrell	McInvale	Russell
Brown	Gibson, H.	Llorente	Ross	Dean	Hasner	Meadows	Ryan
Brummer	Glorioso	Lopez-Cantera	Rubio	Detert	Hays	Mealor	Sands
Bucher	Goldstein	Machek	Russell	Domino	Henriquez	Murzin	Sansom
Bullard	Goodlette	Mahon	Ryan	Evers	Holloway	Needelman	Seiler
Cannon	Gottlieb	Mayfield	Sands	Farkas	Homan	Negron	Simmons
Carroll	Grant	McInvale	Sansom	Fields	Hukill	Patterson	Smith
Clarke	Greenstein	Meadows	Seiler	Flores	Jennings	Peterman	Sobel
Cretul	Grimsley	Mealor	Simmons	Galvano	Johnson	Pickens	Stansel
Culp	Harrell	Murzin	Smith	Gannon	Jordan	Planas	Stargel
Cusack	Hasner	Needelman	Sobel	Garcia	Justice	Poppell	Taylor
Davis, D.	Hays	Negron	Stansel	Gardiner	Kottkamp	Porth	Traviesa
Davis, M.	Henriquez	Patterson	Stargel	Gelber	Kravitz	Proctor	Troutman
Dean	Holloway	Peterman	Taylor	Gibson, A.	Kreegel	Quinones	Vana
Detert	Homan	Pickens	Traviesa	Gibson, H.	Kyle	Reagan	Waters
Domino	Hukill	Planas	Troutman	Glorioso	Legg	Rice	Zapata
Evers	Jennings	Poppell	Vana				
Farkas	Johnson	Porth	Waters				
Fields	Jordan	Proctor	Zapata				

Nays—None

Votes after roll call:

- Yeas—Kendrick, Williams
- Yeas to Nays—Kendrick
- Nays to Yeas—Kendrick

So the bill passed and was certified to the Senate.

**HB 27**—A bill to be entitled An act relating to exemptions from the tax on sales, use, and other transactions; amending s. 212.08, F.S.; deleting an annual limitation on an exemption from the sales tax for certain machinery and equipment used to increase productive output; deleting an exemption for machinery and equipment used to expand certain printing manufacturing facilities or plant units; deleting a limitation on application of the exemption for machinery and equipment purchased for use in phosphate or other solid minerals severance, mining, or processing operations by way of a prospective credit; deleting an annual limitation on an exemption from the sales tax for certain machinery and equipment purchased under a federal procurement contract; repealing s. 212.0805, F.S., relating to qualifications for the exemption and credit for machinery and equipment purchased by an expanding business for use in phosphate or other solid minerals severance, mining, or processing operations; providing an appropriation; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 94

Speaker Bense in the Chair.

Yeas—112

Adams	Attkisson	Bense	Brandenburg
Allen	Ausley	Benson	Brown
Altman	Barreiro	Berfield	Brummer
Ambler	Baxley	Bilirakis	Bucher
Anderson	Bean	Bogdanoff	Bullard
Antone	Bendross-Mindingall	Bowen	Cannon

Nays—None

Votes after roll call:

- Yeas—Kendrick, Williams

So the bill passed, as amended, and was certified to the Senate.

**SB 266**—A bill to be entitled An act relating to nursing home facilities; amending s. 400.141, F.S.; providing a method by which state-designated teaching nursing homes and affiliated assisted living facilities may demonstrate financial responsibility; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 95

Speaker Bense in the Chair.

Yeas—112

Adams	Cannon	Goldstein	Llorente
Allen	Carroll	Goodlette	Lopez-Cantera
Altman	Clarke	Gottlieb	Machek
Ambler	Cretul	Grant	Mahon
Anderson	Culp	Greenstein	Mayfield
Antone	Cusack	Grimsley	McInvale
Attkisson	Davis, D.	Harrell	Meadows
Ausley	Davis, M.	Hasner	Mealor
Barreiro	Dean	Hays	Murzin
Baxley	Detert	Henriquez	Needelman
Bean	Domino	Holloway	Negron
Bendross-Mindingall	Evers	Homan	Patterson
Bense	Farkas	Hukill	Peterman
Benson	Fields	Jennings	Pickens
Berfield	Flores	Johnson	Planas
Bilirakis	Galvano	Jordan	Poppell
Bogdanoff	Gannon	Justice	Porth
Bowen	Garcia	Kottkamp	Proctor
Brandenburg	Gardiner	Kravitz	Quinones
Brown	Gelber	Kreegel	Reagan
Brummer	Gibson, A.	Kyle	Rice
Bucher	Gibson, H.	Legg	Richardson
Bullard	Glorioso	Littlefield	Rivera

Robaina	Ryan	Smith	Traviesa
Roberson	Sands	Sobel	Troutman
Ross	Sansom	Stansel	Vana
Rubio	Seiler	Stargel	Waters
Russell	Simmons	Taylor	Zapata

Nays—None

Votes after roll call:

Yeas—Kendrick, Williams

So the bill passed and was certified to the Senate.

**HB 93**—A bill to be entitled An act relating to the John M. McKay Scholarships for Students with Disabilities Program; amending s. 1002.39, F.S.; revising definition of the term "students with disabilities"; revising student eligibility requirements for receipt of a scholarship; revising provisions relating to scholarship funding and payment; providing funding and payment requirements for former Florida School for the Deaf and the Blind students and for students exiting a Department of Juvenile Justice program; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 96

Speaker Bense in the Chair.

Yeas—111

Adams	Davis, D.	Homan	Porth
Allen	Davis, M.	Hukill	Proctor
Altman	Dean	Jennings	Quinones
Anderson	Detert	Johnson	Reagan
Antone	Domino	Jordan	Rice
Attkisson	Evers	Justice	Richardson
Ausley	Farkas	Kottkamp	Rivera
Barreiro	Fields	Kravitz	Robaina
Baxley	Flores	Kreegel	Roberson
Bean	Galvano	Kyle	Ross
Bendross-Mindingall	Gannon	Legg	Rubio
Bense	Garcia	Littlefield	Russell
Benson	Gardiner	Llorente	Ryan
Berfield	Gelber	Lopez-Cantera	Sands
Bilirakis	Gibson, A.	Machek	Sansom
Bogdanoff	Gibson, H.	Mahon	Seiler
Bowen	Glorioso	Mayfield	Simmons
Brandenburg	Goldstein	McInvale	Smith
Brown	Goodlette	Meadows	Sobel
Brummer	Gottlieb	Mealor	Stansel
Bucher	Grant	Murzin	Stargel
Bullard	Greenstein	Needelman	Taylor
Cannon	Grimsley	Negron	Traviesa
Carroll	Harrell	Patterson	Troutman
Clarke	Hasner	Peterman	Vana
Cretul	Hays	Pickens	Waters
Culp	Henriquez	Planas	Zapata
Cusack	Holloway	Poppell	

Nays—None

Votes after roll call:

Yeas—Kendrick, Williams

So the bill passed, as amended, and was certified to the Senate.

**HB 149**—A bill to be entitled An act relating to extracurricular student activities; amending s. 1006.15, F.S.; providing that eligibility requirements for participation shall apply to all extracurricular activities rather than to interscholastic activities only; providing that a student shall not be precluded from participation in certain activities; providing certain restrictions with respect to participation; authorizing establishment of a waiver process; prohibiting certain waivers; amending ss. 1002.33 and 1002.41, F.S.; conforming provisions; requiring the Department of Education to annually report data relating to student participation in extracurricular activities; providing an effective date.

—was read the third time by title.

Representative(s) A. Gibson offered the following:

(Amendment Bar Code: 214299)

**Amendment 4**—Remove line 40 and insert:  
to any event where the group is to compete or perform unless the student is participating in an approved tutoring program.

Rep. A. Gibson moved the adoption of the amendment, which failed to receive the required two-thirds vote for adoption.

Representative(s) Bendross-Mindingall offered the following:

(Amendment Bar Code: 736137)

**Amendment 5 (with title amendment)**—Remove line(s) 59 and insert:  
necessary. The requirement for an academic performance contract shall not apply to students involved in extracurricular activities that require participation of fewer than 3 hours per week, such as Bible, art, music, or language or clubs with similar studies. Furthermore, students participating in extracurricular activities that require participation of fewer than 3 hours per week are not required to attend summer school or its graded equivalent but must complete additional assignments or follow an academic improvement plan between grades 9 and 10 or grades 10 and 11, as necessary, as directed by the instructor.

Remove line(s) 9 and insert:  
participation; providing for application of provisions relating to academic performance contracts; authorizing establishment of a waiver

Rep. Bendross-Mindingall moved the adoption of the amendment, which failed to receive the required two-thirds vote for adoption.

The question recurred on the passage of HB 149. The vote was:

Session Vote Sequence: 97

Speaker Bense in the Chair.

Yeas—79

Adams	Benson	Culp	Goldstein
Allen	Berfield	Davis, M.	Goodlette
Altman	Bilirakis	Dean	Grant
Ambler	Bogdanoff	Domino	Greenstein
Anderson	Bowen	Farkas	Grimsley
Attkisson	Brown	Flores	Harrell
Ausley	Brummer	Galvano	Hasner
Barreiro	Cannon	Gardiner	Hays
Baxley	Carroll	Gelber	Homan
Bean	Clarke	Gibson, H.	Hukill
Bense	Cretul	Glorioso	Johnson

Jordan	Mealor	Reagan	Simmons	Cusack	Greenstein	Machek	Roberson
Kottkamp	Murzin	Rice	Stansel	Davis, D.	Grimsley	Mahon	Ross
Kravitz	Needelman	Rivera	Stargel	Davis, M.	Harrell	Mayfield	Rubio
Kreegel	Patterson	Robaina	Traviesa	Detert	Hasner	McInvale	Russell
Kyle	Pickens	Ross	Troutman	Domino	Hays	Meadows	Ryan
Littlefield	Planas	Rubio	Vana	Evers	Henriquez	Murzin	Sands
Llorente	Poppell	Russell	Waters	Farkas	Holloway	Needelman	Sansom
Mahon	Proctor	Sansom	Zapata	Fields	Homan	Negron	Seiler
Mayfield	Quinones	Seiler		Flores	Hukill	Patterson	Simmons

Nays—32

Antone	Fields	Justice	Porth
Bendross-Mindingall	Gannon	Legg	Richardson
Brandenburg	Garcia	Lopez-Cantera	Roberson
Bucher	Gibson, A.	Machek	Ryan
Bullard	Gottlieb	McInvale	Sands
Cusack	Henriquez	Meadows	Smith
Detert	Holloway	Negron	Sobel
Evers	Jennings	Peterman	Taylor

Votes after roll call:

Yeas—D. Davis, Williams

Nays—Kendrick

Nays to Yeas—Lopez-Cantera

So the bill passed, as amended, and was certified to the Senate.

**HB 155**—A bill to be entitled An act relating to the Lake Okeechobee Protection Program; amending s. 373.4595, F.S.; providing legislative findings with respect to implementation and funding of the Lake Okeechobee Watershed Phosphorus Control Program and the Lake Okeechobee Protection Program; revising a definition; providing that the Department of Agriculture and Consumer Services, the Department of Environmental Protection, and the South Florida Water Management District be jointly responsible for implementing the Lake Okeechobee Protection Plan; requiring that annual funding priorities be jointly established; providing criteria for determining funding priorities; repealing obsolete provisions; providing an effective date.

—was read the third time by title.

The Rules & Calendar Council offered the following:

(Amendment Bar Code: 754997)

**Technical Amendment 1**—Remove line(s) 615 and insert: ~~in 2001~~, the district shall submit to the Governor, the

Rep. Goodlette moved the adoption of the amendment, which was adopted.

The question recurred on the passage of HB 155. The vote was:

Session Vote Sequence: 98

Speaker Bense in the Chair.

Yeas—110

Adams	Ausley	Berfield	Bucher
Allen	Barreiro	Bilirakis	Bullard
Altman	Baxley	Bogdanoff	Cannon
Ambler	Bean	Bowen	Carroll
Anderson	Bendross-Mindingall	Brandenburg	Clarke
Antone	Bense	Brown	Cretul
Attkisson	Benson	Brummer	Culp

Gannon	Johnson	Pickens	Smith
Garcia	Jordan	Planas	Sobel
Gardiner	Justice	Poppell	Stansel
Gelber	Kottkamp	Porth	Stargel
Gibson, A.	Kravitz	Proctor	Taylor
Gibson, H.	Kreegel	Quinones	Traviesa
Glorioso	Kyle	Reagan	Troutman
Goldstein	Legg	Rice	Vana
Goodlette	Littlefield	Richardson	Waters
Gottlieb	Llorente	Rivera	
Grant	Lopez-Cantera	Robaina	

Nays—None

Votes after roll call:

Yeas—Kendrick, Williams, Zapata

So the bill passed, as amended, and was certified to the Senate after engrossment.

**HB 213**—A bill to be entitled An act relating to construction professionals; amending s. 481.221, F.S.; requiring the Board of Architecture and Interior Design to prescribe, by rule, one or more forms of seals for use by a registered architect or interior designer who holds a valid certificate of registration; authorizing use of one seal and registration of the seal electronically; authorizing electronic transmission and sealing of final plans, specifications, or reports; prohibiting signing or sealing of final plans, specifications, or reports after expiration, suspension, or revocation of certificate of registration; requiring surrender of the seal upon suspension or revocation of the certificate of registration; amending s. 481.321, F.S.; requiring the Board of Landscape Architecture to prescribe, by rule, one or more forms of seals for use by a registered landscape architect who holds a valid certificate of registration; authorizing use of one seal and registration of the seal electronically; authorizing electronic transmission and sealing of final plans, specifications, or reports; prohibiting signing or sealing of final plans, specifications, or reports after expiration, suspension, or revocation of certificate of registration; requiring surrender of the seal upon suspension or revocation of the certificate of registration; reenacting s. 481.225(1)(a) and (3), F.S., relating to disciplinary proceedings against registered architects, to incorporate the amendment to s. 481.221, F.S., in a reference thereto; providing penalties; reenacting s. 481.325(1)(a) and (3), F.S., relating to disciplinary proceedings against registered landscape architects, to incorporate the amendment to s. 481.321, F.S., in a reference thereto; providing penalties; amending s. 489.103, F.S.; exempting preengineered fire extinguishing system permittees from construction contracting regulation; amending s. 489.105, F.S.; revising contractor definitions to authorize Class A and Class B air-conditioning contractors to disconnect or reconnect changeouts of liquefied petroleum or natural gas appliances within buildings, mechanical contractors to install, maintain, fabricate, repair, alter, extend, or design, when not prohibited by law, liquefied petroleum gas lines within buildings, and plumbing contractors to install liquefied petroleum gas and related venting lines; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 99

Speaker Bense in the Chair.

Yeas—113

Adams	Davis, D.	Hukill	Quinones
Allen	Davis, M.	Jennings	Reagan
Altman	Dean	Johnson	Rice
Ambler	Detert	Jordan	Richardson
Anderson	Domino	Justice	Rivera
Antone	Evers	Kottkamp	Robaina
Attkisson	Farkas	Kravitz	Roberson
Ausley	Fields	Kreegel	Ross
Barreiro	Flores	Kyle	Rubio
Baxley	Galvano	Legg	Russell
Bean	Gannon	Littlefield	Ryan
Bendross-Mindingall	Garcia	Llorente	Sands
Bense	Gardiner	Lopez-Cantera	Sansom
Benson	Gelber	Machek	Seiler
Berfield	Gibson, A.	Mahon	Simmons
Bilirakis	Gibson, H.	Mayfield	Slosberg
Bogdanoff	Glorioso	McInvale	Smith
Bowen	Goldstein	Meadows	Sobel
Brandenburg	Goodlette	Mealor	Stansel
Brown	Gottlieb	Murzin	Stargel
Brummer	Grant	Needelman	Taylor
Bucher	Greenstein	Negron	Traviesa
Bullard	Grimsley	Patterson	Troutman
Cannon	Harrell	Peterman	Vana
Carroll	Hasner	Pickens	Waters
Clarke	Hays	Planas	Zapata
Cretul	Henriquez	Poppell	
Culp	Holloway	Porth	
Cusack	Homan	Proctor	

Nays—None

Votes after roll call:

Yeas—Kendrick, Williams

So the bill passed, as amended, and was certified to the Senate.

**HB 235**—A bill to be entitled An act relating to juvenile proceedings; amending s. 985.228, F.S.; providing the time period by which a juvenile shall be brought for an adjudicatory hearing; repealing Florida Rule of Juvenile Procedure 8.090 to the extent it is inconsistent with the act; providing an effective date; providing a contingent effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 100

Speaker Bense in the Chair.

Yeas—112

Adams	Baxley	Brandenburg	Culp
Allen	Bean	Brown	Cusack
Altman	Bendross-Mindingall	Brummer	Davis, D.
Ambler	Bense	Bucher	Davis, M.
Anderson	Benson	Bullard	Dean
Antone	Berfield	Cannon	Detert
Attkisson	Bilirakis	Carroll	Domino
Ausley	Bogdanoff	Clarke	Evers
Barreiro	Bowen	Cretul	Farkas

Fields	Henriquez	McInvale	Roberson
Flores	Holloway	Meadows	Ross
Galvano	Homan	Mealor	Rubio
Gannon	Hukill	Murzin	Russell
Garcia	Jennings	Needelman	Ryan
Gardiner	Johnson	Negron	Sands
Gelber	Jordan	Patterson	Sansom
Gibson, A.	Justice	Peterman	Seiler
Gibson, H.	Kottkamp	Pickens	Simmons
Glorioso	Kravitz	Planas	Slosberg
Goldstein	Kreegel	Poppell	Sobel
Goodlette	Kyle	Porth	Stansel
Gottlieb	Legg	Proctor	Stargel
Grant	Littlefield	Quinones	Taylor
Greenstein	Llorente	Reagan	Traviesa
Grimsley	Lopez-Cantera	Rice	Troutman
Harrell	Machek	Richardson	Vana
Hasner	Mahon	Rivera	Waters
Hays	Mayfield	Robaina	Zapata

Nays—1

Smith

Votes after roll call:

Yeas—Kendrick, Williams

Nays to Yeas—Smith

So the bill passed, as amended, by the required constitutional two-thirds vote of the membership and was certified to the Senate.

**CS for SB 1012**—A bill to be entitled An act relating to professions regulated by the Department of Business and Professional Regulation; amending s. 455.271, F.S.; providing for the reinstatement of certain voided licenses; providing requirements for application and reinstatement of voided licenses, including fees, continuing education, and eligibility; providing an exemption; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 101

Speaker Bense in the Chair.

Yeas—113

Adams	Brummer	Garcia	Johnson
Allen	Bucher	Gardiner	Jordan
Altman	Bullard	Gelber	Justice
Ambler	Cannon	Gibson, A.	Kottkamp
Anderson	Carroll	Gibson, H.	Kravitz
Antone	Clarke	Glorioso	Kreegel
Attkisson	Cretul	Goldstein	Kyle
Ausley	Culp	Goodlette	Legg
Barreiro	Cusack	Gottlieb	Littlefield
Baxley	Davis, D.	Grant	Llorente
Bean	Davis, M.	Greenstein	Lopez-Cantera
Bendross-Mindingall	Dean	Grimsley	Machek
Bense	Detert	Harrell	Mahon
Benson	Domino	Hasner	Mayfield
Berfield	Evers	Hays	McInvale
Bilirakis	Farkas	Henriquez	Meadows
Bogdanoff	Fields	Holloway	Mealor
Bowen	Flores	Homan	Murzin
Brandenburg	Galvano	Hukill	Needelman
Brown	Gannon	Jennings	Negron

Patterson	Rice	Sands	Taylor
Peterman	Richardson	Sansom	Traviesa
Pickens	Rivera	Seiler	Troutman
Planas	Robaina	Simmons	Vana
Poppell	Roberson	Slosberg	Waters
Porth	Ross	Smith	Zapata
Proctor	Rubio	Sobel	
Quinones	Russell	Stansel	
Reagan	Ryan	Stargel	

Nays—None

Votes after roll call:  
Yeas—Kendrick, Williams

So the bill passed, as amended, and was certified to the Senate.

Nays—None

Votes after roll call:  
Yeas—Kendrick, Williams

So the bill passed and was certified to the Senate.

**HB 319**—A bill to be entitled An act relating to the Freedom to Worship Safely Act; providing a popular name; creating s. 775.0861, F.S.; providing definitions; providing for the upgrading of the degree of an offense that involves the use or threat of physical force or violence if the offense is committed on the property of a religious institution while the victim is on the property for the purpose of participating in or attending a religious service; providing for severity ranking of offenses; amending s. 921.0022, F.S.; providing for application of the severity ranking chart of the Criminal Punishment Code; providing applicability; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 102

Speaker Bense in the Chair.

Yeas—113

Adams	Davis, D.	Hukill	Quinones
Allen	Davis, M.	Jennings	Reagan
Altman	Dean	Johnson	Rice
Ambler	Detert	Jordan	Richardson
Anderson	Domino	Justice	Rivera
Antone	Evers	Kottkamp	Robaina
Attkisson	Farkas	Kravitz	Roberson
Ausley	Fields	Kreegel	Ross
Barreiro	Flores	Kyle	Rubio
Baxley	Galvano	Legg	Russell
Bean	Gannon	Littlefield	Ryan
Bendross-Mindingall	Garcia	Llorente	Sands
Bense	Gardiner	Lopez-Cantera	Sansom
Benson	Gelber	Machek	Seiler
Berfield	Gibson, A.	Mahon	Simmons
Bilirakis	Gibson, H.	Mayfield	Slosberg
Bogdanoff	Glorioso	McInvale	Smith
Bowen	Goldstein	Meadows	Sobel
Brandenburg	Goodlette	Mealor	Stansel
Brown	Gottlieb	Murzin	Stargel
Brummer	Grant	Needelman	Taylor
Bucher	Greenstein	Negron	Traviesa
Bullard	Grimsley	Patterson	Troutman
Cannon	Harrell	Peterman	Vana
Carroll	Hasner	Pickens	Waters
Clarke	Hays	Planas	Zapata
Cretul	Henriquez	Poppell	
Culp	Holloway	Porth	
Cusack	Homan	Proctor	

**HB 349**—A bill to be entitled An act relating to auditor selection procedures; amending s. 218.391, F.S.; revising the auditor selection procedures that local governmental entities, district school boards, charter schools, and charter technical career centers must use in selecting auditors to conduct certain required financial audits; revising provisions relating to membership, purposes, and duties of audit committees required to be established to aid in such selection; providing for requests for proposals; providing review and ranking requirements; requiring written contracts and providing requirements therefor, including renewal requirements; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 103

Speaker Bense in the Chair.

Yeas—113

Adams	Davis, D.	Hukill	Quinones
Allen	Davis, M.	Jennings	Reagan
Altman	Dean	Johnson	Rice
Ambler	Detert	Jordan	Richardson
Anderson	Domino	Justice	Rivera
Antone	Evers	Kottkamp	Robaina
Attkisson	Farkas	Kravitz	Roberson
Ausley	Fields	Kreegel	Ross
Barreiro	Flores	Kyle	Rubio
Baxley	Galvano	Legg	Russell
Bean	Gannon	Littlefield	Ryan
Bendross-Mindingall	Garcia	Llorente	Sands
Bense	Gardiner	Lopez-Cantera	Sansom
Benson	Gelber	Machek	Seiler
Berfield	Gibson, A.	Mahon	Simmons
Bilirakis	Gibson, H.	Mayfield	Slosberg
Bogdanoff	Glorioso	McInvale	Smith
Bowen	Goldstein	Meadows	Sobel
Brandenburg	Goodlette	Mealor	Stansel
Brown	Gottlieb	Murzin	Stargel
Brummer	Grant	Needelman	Taylor
Bucher	Greenstein	Negron	Traviesa
Bullard	Grimsley	Patterson	Troutman
Cannon	Harrell	Peterman	Vana
Carroll	Hasner	Pickens	Waters
Clarke	Hays	Planas	Zapata
Cretul	Henriquez	Poppell	
Culp	Holloway	Porth	
Cusack	Homan	Proctor	

Nays—None

Votes after roll call:  
Yeas—Kendrick, Williams

So the bill passed, as amended, and was certified to the Senate.

**HB 523**—A bill to be entitled An act relating to evidence; repealing s. 90.602, F.S., relating to testimony of interested persons regarding oral communication with a deceased or mentally incompetent person;

amending s. 90.804, F.S.; providing a hearsay exception in specified actions or proceedings for a statement made by a declarant who is unavailable due to death, illness, or infirmity regarding the same subject matter as a statement made by the declarant that was previously offered by an adverse party and admitted; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 104

Speaker Bense in the Chair.

Yeas—110

Adams	Cusack	Homan	Quinones
Allen	Davis, D.	Hukill	Reagan
Altman	Davis, M.	Jennings	Rice
Ambler	Dean	Johnson	Richardson
Anderson	Domino	Jordan	Rivera
Antone	Evers	Justice	Robaina
Attkisson	Farkas	Kottkamp	Roberson
Ausley	Fields	Kravitz	Ross
Barreiro	Flores	Kreegel	Rubio
Baxley	Galvano	Kyle	Russell
Bean	Gannon	Legg	Ryan
Bendross-Mindingall	Garcia	Littlefield	Sands
Bense	Gardiner	Llorente	Sansom
Benson	Gelber	Lopez-Cantera	Seiler
Berfield	Gibson, A.	Machek	Simmons
Bilirakis	Gibson, H.	Mahon	Slosberg
Bogdanoff	Glorioso	Mayfield	Smith
Bowen	Goldstein	McInvale	Sobel
Brandenburg	Goodlette	Meadows	Stansel
Brown	Gottlieb	Murzin	Stargel
Brummer	Grant	Needelman	Taylor
Bucher	Greenstein	Negron	Traviesa
Bullard	Grimsley	Peterman	Troutman
Cannon	Harrell	Pickens	Vana
Carroll	Hasner	Planas	Waters
Clarke	Hays	Poppell	Zapata
Cretul	Henriquez	Porth	
Culp	Holloway	Proctor	

Nays—1

Detert

Votes after roll call:

Yeas—Kendrick, Mealor, Patterson, Williams  
Yeas to Nays—Bucher, Gannon

So the bill passed, as amended, and was certified to the Senate.

**HB 579**—A bill to be entitled An act relating to acceleration mechanisms; amending s. 1002.20, F.S.; adding programs to list of public school choice options; amending s. 1002.23, F.S.; adding programs to list of rigorous academic programs included in parent guide; amending s. 1007.22, F.S.; adding Advanced International Certificate of Education programs to acceleration mechanisms requiring postsecondary institution collaboration; amending s. 1007.261, F.S.; revising list of courses designated as advanced level fine arts courses; amending s. 1007.27, F.S.; providing an exemption from examination fees for students enrolled in the International General Certificate of Secondary Education Program; amending s. 1007.271, F.S.; specifying that dual enrollment courses are creditable toward high school completion; revising instructional time requirements and providing for FTE calculation; conforming to law

minimum academic credits required for graduation; clarifying requirements for participation of independent postsecondary institutions in a dual enrollment program; providing for fee exemption; amending s. 1009.531, F.S.; providing additional course weights for Florida Bright Futures Scholarship Program eligibility determination; amending s. 1009.534, F.S.; revising Florida Academic Scholars award eligibility requirements to include students completing or receiving an Advanced International Certificate of Education curriculum or diploma; amending s. 1009.535, F.S.; revising Florida Medallion Scholars award eligibility requirements to include students completing an Advanced International Certificate of Education curriculum; amending s. 1011.62, F.S.; providing for FTE calculation for dual enrollment instruction; revising Advanced International Certificate of Education test score requirements necessary to generate funding to match current test scoring scale; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 105

Speaker Bense in the Chair.

Yeas—113

Adams	Davis, D.	Hukill	Quinones
Allen	Davis, M.	Jennings	Reagan
Altman	Dean	Johnson	Rice
Ambler	Detert	Jordan	Richardson
Anderson	Domino	Justice	Rivera
Antone	Evers	Kottkamp	Robaina
Attkisson	Farkas	Kravitz	Roberson
Ausley	Fields	Kreegel	Ross
Barreiro	Flores	Kyle	Rubio
Baxley	Galvano	Legg	Russell
Bean	Gannon	Littlefield	Ryan
Bendross-Mindingall	Garcia	Llorente	Sands
Bense	Gardiner	Lopez-Cantera	Sansom
Benson	Gelber	Machek	Seiler
Berfield	Gibson, A.	Mahon	Simmons
Bilirakis	Gibson, H.	Mayfield	Slosberg
Bogdanoff	Glorioso	McInvale	Smith
Bowen	Goldstein	Meadows	Sobel
Brandenburg	Goodlette	Mealor	Stansel
Brown	Gottlieb	Murzin	Stargel
Brummer	Grant	Needelman	Taylor
Bucher	Greenstein	Negron	Traviesa
Bullard	Grimsley	Patterson	Troutman
Cannon	Harrell	Peterman	Vana
Carroll	Hasner	Pickens	Waters
Clarke	Hays	Planas	Zapata
Cretul	Henriquez	Poppell	
Culp	Holloway	Porth	
Cusack	Homan	Proctor	

Nays—None

Votes after roll call:

Yeas—Kendrick, Williams

So the bill passed, as amended, and was certified to the Senate.

**HB 643**—A bill to be entitled An act relating to an exemption from the tax on sales, use, and other transactions for farm equipment; amending s. 212.02, F.S.; revising definitions; amending s. 212.08, F.S.; making total a partial exemption for certain farm equipment; amending s. 212.12, F.S.; correcting a cross reference to conform; providing an



effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 106

Speaker Bense in the Chair.

Yeas—112

Adams	Cusack	Homan	Porth
Allen	Davis, D.	Hukill	Proctor
Altman	Davis, M.	Jennings	Quinones
Ambler	Dean	Johnson	Reagan
Anderson	Detert	Jordan	Rice
Antone	Domino	Justice	Richardson
Attkisson	Evers	Kottkamp	Rivera
Ausley	Farkas	Kravitz	Robaina
Barreiro	Fields	Kreegel	Roberson
Baxley	Flores	Kyle	Ross
Bean	Galvano	Legg	Rubio
Bendross-Mindingall	Gannon	Littlefield	Russell
Bense	Garcia	Llorente	Ryan
Benson	Gardiner	Lopez-Cantera	Sands
Berfield	Gibson, A.	Machek	Sansom
Bilirakis	Gibson, H.	Mahon	Seiler
Bogdanoff	Glorioso	Mayfield	Simmons
Bowen	Goldstein	McInvale	Slosberg
Brandenburg	Goodlette	Meadows	Smith
Brown	Gottlieb	Mealor	Sobel
Brummer	Grant	Murzin	Stansel
Bucher	Greenstein	Needelman	Stargel
Bullard	Grimsley	Negron	Taylor
Cannon	Harrell	Patterson	Traviesa
Carroll	Hasner	Peterman	Troutman
Clarke	Hays	Pickens	Vana
Cretul	Henriquez	Planas	Waters
Culp	Holloway	Poppell	Zapata

Nays—None

Votes after roll call:

Yeas—Kendrick, Williams

So the bill passed, as amended, and was certified to the Senate.

**HB 655**—A bill to be entitled An act relating to the Florida Inland Navigation District; amending s. 374.984, F.S.; providing responsibility and authority of the Board of Commissioners of the Florida Inland Navigational District with respect to that portion of the Okeechobee Waterway located in Martin and Palm Beach Counties; revising the list of acts authorizing and directing the improvement and maintenance of the Intracoastal Waterway and that portion of the Okeechobee Waterway located in Martin and Palm Beach Counties; providing an exception for maintaining the navigability of the Okeechobee Waterway under certain circumstances; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 107

Speaker Bense in the Chair.

Yeas—112

Adams	Allen	Altman	Ambler
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Anderson	Dean	Jennings	Proctor
Antone	Detert	Johnson	Quinones
Attkisson	Domino	Jordan	Reagan
Ausley	Farkas	Justice	Rice
Barreiro	Fields	Kottkamp	Richardson
Baxley	Flores	Kravitz	Rivera
Bean	Galvano	Kreegel	Robaina
Bendross-Mindingall	Gannon	Kyle	Roberson
Bense	Garcia	Legg	Ross
Benson	Gardiner	Littlefield	Rubio
Berfield	Gelber	Llorente	Russell
Bilirakis	Gibson, A.	Lopez-Cantera	Ryan
Bogdanoff	Gibson, H.	Machek	Sands
Bowen	Glorioso	Mahon	Sansom
Brandenburg	Goldstein	Mayfield	Seiler
Brown	Goodlette	McInvale	Simmons
Brummer	Gottlieb	Meadows	Slosberg
Bucher	Grant	Mealor	Smith
Bullard	Greenstein	Murzin	Sobel
Cannon	Grimsley	Needelman	Stansel
Carroll	Harrell	Negron	Stargel
Clarke	Hasner	Patterson	Taylor
Cretul	Hays	Peterman	Traviesa
Culp	Henriquez	Pickens	Troutman
Cusack	Holloway	Planas	Vana
Davis, D.	Homan	Poppell	Waters
Davis, M.	Hukill	Porth	Zapata

Nays—None

Votes after roll call:

Yeas—Kendrick, Williams

So the bill passed. On motion by Rep. Machek, the bill was immediately certified to the Senate.

**HB 729**—A bill to be entitled An act relating to public records and meetings exemptions; creating s. 440.3851, F.S.; exempting from public records and public meetings requirements certain records of the Florida Self-Insurers Guaranty Association, Incorporated, and certain meetings of the board of directors of the association or any subcommittee of the board; providing for release of such records under certain circumstances; providing requirements; providing for future legislative review and repeal; providing findings of public necessity; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 108

Speaker Bense in the Chair.

Yeas—109

Adams	Benson	Cretul	Galvano
Allen	Berfield	Culp	Gannon
Altman	Bogdanoff	Cusack	Garcia
Ambler	Bowen	Davis, D.	Gardiner
Antone	Brandenburg	Davis, M.	Gelber
Attkisson	Brown	Dean	Gibson, A.
Ausley	Brummer	Detert	Gibson, H.
Barreiro	Bucher	Domino	Glorioso
Baxley	Bullard	Evers	Goldstein
Bean	Cannon	Farkas	Goodlette
Bendross-Mindingall	Carroll	Fields	Gottlieb
Bense	Clarke	Flores	Grant

Greenstein	Kyle	Planas	Seiler	Simmons	Sobel	Traviesa	Waters
Grimsley	Legg	Poppell	Simmons	Slosberg	Stargel	Troutman	Zapata
Harrell	Littlefield	Porth	Slosberg				
Hasner	Llorente	Proctor	Smith	Nays—37			
Hays	Lopez-Cantera	Quinones	Sobel				
Henriquez	Mahon	Reagan	Stansel	Allen	Bullard	Holloway	Roberson
Holloway	Mayfield	Rice	Stargel	Antone	Cusack	Hukill	Sands
Homan	McInvale	Richardson	Taylor	Attkisson	Domino	Jennings	Seiler
Hukill	Meadows	Rivera	Traviesa	Ausley	Fields	Johnson	Smith
Jennings	Mealor	Robaina	Troutman	Bean	Gannon	Justice	Stansel
Johnson	Murzin	Roberson	Vana	Bendross-Mindingall	Gelber	Machek	Taylor
Jordan	Needelman	Rubio	Waters	Berfield	Gibson, A.	Peterman	Vana
Justice	Negron	Russell	Zapata	Brandenburg	Gottlieb	Porth	
Kottkamp	Patterson	Ryan		Brown	Greenstein	Proctor	
Kravitz	Peterman	Sands		Bucher	Henriquez	Richardson	
Kreegel	Pickens	Sansom					

Nays—None

Votes after roll call:  
 Yeas—Williams  
 Nays—Kendrick

Votes after roll call:

Yeas—Anderson, Bilirakis, Kendrick, Machek, Ross, Williams

So the bill passed, as amended, by the required constitutional two-thirds vote of the members voting and was certified to the Senate.

**HB 1673**—A bill to be entitled An act relating to the second primary election; repealing s. 100.091, F.S.; eliminating the second primary election; repealing s. 100.096, F.S., relating to the holding of special elections in conjunction with the second primary election, to conform; amending s. 97.021, F.S., relating to the definition of "primary election," to conform; amending ss. 97.055, 97.071, 97.1031, and 98.081, F.S., relating to restrictions on changing party affiliation between primary elections, to conform; amending ss. 99.061 and 99.095, F.S., relating to qualifying for nomination or election to office, to conform; amending s. 99.063, F.S.; adjusting the date to designate a Lieutenant Governor running mate, to conform; amending ss. 99.103, 100.061, 100.081, 100.111, 100.141, 101.252, 101.62, 102.014, 103.021, 103.022, 103.091, 105.031, 105.041, 105.051, 106.07, 106.08, and 106.29, F.S., F.S.; revising references, to conform to the elimination of the second primary election; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 109

Speaker Bense in the Chair.

Yeas—76

Adams	Davis, D.	Hasner	Murzin
Altman	Davis, M.	Hays	Needelman
Ambler	Dean	Homan	Negron
Anderson	Detert	Jordan	Patterson
Barreiro	Evers	Kottkamp	Pickens
Baxley	Farkas	Kravitz	Planas
Bense	Flores	Kreegel	Poppell
Benson	Galvano	Kyle	Quinones
Bilirakis	Garcia	Legg	Reagan
Bogdanoff	Gardiner	Littlefield	Rice
Bowen	Gibson, H.	Llorente	Rivera
Brummer	Glorioso	Lopez-Cantera	Robaina
Cannon	Goldstein	Mahon	Ross
Carroll	Goodlette	Mayfield	Rubio
Clarke	Grant	McInvale	Russell
Cretul	Grimsley	Meadows	Ryan
Culp	Harrell	Mealor	Sansom

**Explanation of Vote for Sequence Number 109**

The political party Primary Election system within our democracy is under attack. Political expediency and giving priority to process over voter access is closing the door to election creditability. When you remove the opportunity for a run-off primary, you take away the basic American principle of fair elections, where the winner is chosen by a true majority of the party primary voters by 50% + 1. Having just one election many times leads to the "universal primary" where all political parties get to decide the primary candidate. This erodes the competition of true political philosophies from taking the field for a healthy debate and vote, which are key to a strong democracy. I voted no today because I do not believe that political incumbents should have the advantage of the no run-off process. Re-election on substance and record should be the only advantage given an incumbent...not a rigged system.

*Rep. Bob Allen  
 District 32*

So the bill passed and was certified to the Senate.

**HB 1483**—A bill to be entitled An act relating to tax refund programs for qualified defense contractors and target industry businesses; amending s. 288.095, F.S.; specifying an order of payment of claims for certain tax refunds; providing duties of the Office of Tourism, Trade, and Economic Development in paying certain tax refunds from appropriations; deleting a provision for the office to determine proportions of certain refunds under circumstances of insufficient appropriations; revising certain reporting requirements for Enterprise Florida, Inc.; amending s. 288.1045, F.S.; revising the definition of the term "jobs"; including state communications services taxes under qualified defense contractor tax refund program provisions; specifying nonapplication to certain taxes; providing for retroactive effect; authorizing the office to make supplemental tax refund payments for certain purposes; revising certification application requirements; permitting a qualified applicant to seek an economic-stimulus exemption due to the effects of the impact of a named hurricane or tropical storm; extending the period of the exemption; changing the exemption application deadline; clarifying the cap on tax refunds; providing for a waiver of the local financial support requirement in certain circumstances and for a limited time; revising the program expiration date; amending s. 288.106, F.S.; including state communications services taxes under qualified target industry business tax refund program provisions; specifying nonapplication to certain taxes; providing for retroactive effect; authorizing the office to make supplemental tax refund payments for certain purposes; revising application requirements; permitting a

business to seek an economic-stimulus exemption due to the effects of the impact of a named hurricane or tropical storm; extending the period of the exemption; changing the exemption application deadline; providing for a waiver of the local financial support requirement in certain circumstances and for a limited time; revising the program expiration date; requiring the office to attempt to amend certain existing tax refund agreements; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 110

Speaker Bense in the Chair.

Yeas—112

Table listing names of representatives in four columns: Adams, Allen, Altman, Ambler, Anderson, Antone, Attkisson, Ausley, Barreiro, Baxley, Bean, Bendross-Mindingall, Bense, Benson, Berfield, Bilirakis, Bogdanoff, Bowen, Brandenburg, Brown, Brummer, Bullard, Cannon, Carroll, Clarke, Cretul, Culp, Cusack, Davis, D., Davis, M., Dean, Detert, Domino, Evers, Farkas, Fields, Flores, Galvano, Garcia, Gardiner, Gelber, Gibson, A., Gibson, H., Glorioso, Goldstein, Goodlette, Gottlieb, Grant, Greenstein, Grimsley, Harrell, Hasner, Hays, Henriquez, Holloway, Homan, Hukill, Jennings, Johnson, Jordan, Justice, Kottkamp, Kravitz, Kreegel, Kyle, Legg, Littlefield, Llorente, Lopez-Cantera, Machek, Mahon, Mayfield, McInvale, Meadows, Mealor, Murzin, Needelman, Negron, Patterson, Peterman, Pickens, Planas, Poppell, Porth, Proctor, Quinones, Reagan, Rice, Richardson, Rivera, Robaina, Roberson, Ross, Rubio, Russell, Ryan, Sands, Sansom, Seiler, Simmons, Slosberg, Smith, Sobel, Stansel, Stargel, Taylor, Traviesa, Troutman, Vana, Waters, Williams, Zapata

Nays—2

Bucher Gannon

Votes after roll call:

Yeas—Kendrick
Nays to Yeas—Gannon

So the bill passed and was certified to the Senate.

Special Orders

HB 1885—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2005, and ending June 30, 2006, to pay salaries and other expenses, capital outlay buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

—was read the second time by title.

THE SPEAKER PRO TEMPORE IN THE CHAIR

Motion

On motion by Rep. Goodlette, the rules were waived and HB 157, which passed the House April 5, was immediately certified to the Senate.

Representative(s) Garcia offered the following:

(Amendment Bar Code: 990241)

Profile Amendment 1—

In Section: 03 On Page: 091 Specific Appropriation: 477 DELETE INSERT

HEALTH, DEPARTMENT OF
Program: Community Public Health
Family Health Outpatient And Nutrition
Services

477 In Section 03 On Page 091
Special Categories
Grants And Aids - Contracted Services

From Tobacco Settlement Trust Fund 3,215,000 3,205,000

Immediately following Specific Appropriation 477, DELETE from proviso:

Primary Care Initiative (Statewide).....205,000

and insert in lieu thereof:

Primary Care Initiative (Statewide).....195,000

ELDER AFFAIRS, DEPARTMENT OF
Program: Services To Elders Program
Home And Community Services

426 In Section 03 On Page 085
Special Categories
Grants And Aids - Local Services Programs

From Tobacco Settlement Trust Fund 1,499,000 1,509,000

At the end of existing proviso language, following Specific
Appropriation 426, INSERT:

Little Havana Activities and Nutrition Centers -
Respite Care (Dade).....10,000

Rep. Garcia moved the adoption of the amendment, which was
adopted.

Representative(s) Garcia offered the following:

(Amendment Bar Code: 990242)

Profile Amendment 2—

In Section: 03 On Page: 091 Specific Appropriation: 477 DELETE INSERT

HEALTH, DEPARTMENT OF
Program: Community Public Health
Family Health Outpatient And Nutrition
Services

477 In Section 03 On Page 091
Special Categories
Grants And Aids - Contracted Services

From Tobacco Settlement Trust Fund 3,215,000 3,205,000

Immediately following Specific Appropriation 477, DELETE from proviso:

Primary Care Initiative (Statewide).....205,000

and insert in lieu thereof:

Primary Care Initiative (Statewide).....195,000

ELDER AFFAIRS, DEPARTMENT OF
Program: Services To Elders Program
Home And Community Services

428A In Section 03 On Page 085
Grants And Aids To Local Governments And
Nonstate Entities - Fixed Capital Outlay
Grants And Aids - Special Projects For
The Elderly

From Tobacco Settlement Trust Fund 350,000 360,000

At the end of existing proviso language, following Specific
Appropriation 428A, INSERT:

Rafael Villaverde Multigenerational Center (Miami-Dade).....10,000

Rep. Garcia moved the adoption of the amendment, which was
adopted.

Profile Amendment 3 was withdrawn.

Representative(s) Richardson, Bucher, and Roberson offered the
following:

(Amendment Bar Code: 990244)

Profile Amendment 4—

In Section: 03 On Page: 048 Specific Appropriation: 171
DELETE INSERT

AGENCY FOR HEALTH CARE ADMINISTRATION
Program: Health Care Services
Executive Direction And Support Services

171 In Section 03 On Page 048
Lump Sum
Medicaid Modernization

From General Revenue Fund 4,000,000 2,366,197
From Medical Care Trust Fund 4,000,000 0

Children's Special Health Care

164 In Section 03 On Page 046
Special Categories
Grants And Aids - Florida Healthy Kids
Corporation Dental Services

From General Revenue Fund 15,435,664 17,069,467
From Medical Care Trust Fund 33,377,570 37,377,570

At the end of existing proviso language, following Specific
Appropriation 164, INSERT:

Funds in Specific Appropriation 164 include an increase of \$1,633,803 in
the General Revenue Fund and \$4,000,000 in the Medical Care Trust Fund
to increase the capitated rate paid to Healthy Kids dental providers.

Rep. Richardson moved the adoption of the amendment.

Rep. Smith suggested the absence of a quorum. A quorum was present
[Session Vote Sequence: 111].

The question recurred on the adoption of Profile Amendment 4,
which failed of adoption. The vote was:

Session Vote Sequence: 112

Rep. Waters in the Chair.

Yeas—32

Antone Gelber Machek Sands
Ausley Gibson, A. McInvale Seiler
Bendross-Mindingall Gottlieb Meadows Slosberg
Brandenburg Greenstein Peterman Smith
Bucher Henriquez Porth Sobel
Cusack Jennings Richardson Stansel
Fields Justice Roberson Taylor
Gannon Kravitz Ryan Vana

Nays—76

Adams Cretul Harrell Pickens
Allen Culp Hasner Planas
Altman Davis, D. Hays Poppell
Ambler Davis, M. Homan Proctor
Anderson Dean Hukill Quinones
Attkisson Detert Johnson Reagan
Barreiro Domino Jordan Rice
Baxley Evers Kottkamp Rivera
Bean Farkas Kreegel Robaina
Benson Flores Kyle Ross
Berfield Galvano Legg Russell
Bilirakis Garcia Littlefield Sansom
Bogdanoff Gardiner Llorente Simmons
Bowen Gibson, H. Mayfield Stargel
Brown Glorioso Mealor Traviesa
Brummer Goldstein Murzin Troutman
Cannon Goodlette Needelman Waters
Carroll Grant Negron Williams
Clarke Grimsley Patterson Zapata

Votes after roll call:

Yeas—Bullard, Holloway, Kendrick
Nays—Lopez-Cantera, Mahon

Representative(s) H. Gibson offered the following:

(Amendment Bar Code: 990245)

Profile Amendment 5—

In Section: 03 On Page: 084 Specific Appropriation: 424
DELETE INSERT

ELDER AFFAIRS, DEPARTMENT OF
Program: Services To Elders Program
Home And Community Services

424 In Section 03 On Page 084
Special Categories
Assisted Living Facility Waiver

DELETE the proviso immediately following Specific Appropriation 424 :

From the funds in Specific Appropriation 424, the department may give
priority consideration in allocating funds to Medicaid Qualified
facilities coordinated through public housing programs and demonstration
projects for Assisted Living for the Elderly Medicaid Waivers. The
department may contract directly with these facilities for the Medicaid
eligible residents at high risk for nursing home placement.

and insert in lieu thereof:

From the funds in Specific Appropriation 424, the department may give
priority consideration in allocating funds to participants in Coming
Home demonstration projects for Assisted Living for the Elderly Medicaid
Waivers. The department may contract directly with these facilities for
the Medicaid eligible residents at high risk for nursing home placement.

Rep. H. Gibson moved the adoption of the amendment, which was adopted.

Representative(s) Altman offered the following:

(Amendment Bar Code: 990246)

**Profile Amendment 6—**

In Section: 03 On Page: 098 Specific Appropriation: 536  
DELETE INSERT

HEALTH, DEPARTMENT OF  
Program: Community Public Health  
Statewide Public Health Support Services

536 In Section 03 On Page 098  
Special Categories  
James And Esther King Biomedical Research  
Program

From General Revenue Fund 4,750,000 4,700,000

County Health Departments Local Health  
Needs

527 In Section 03 On Page 096  
Fixed Capital Outlay  
Construction, Renovation, And Equipment -  
County Health Departments

From General Revenue Fund 300,000 350,000

Immediately following Specific Appropriation 527, DELETE:

In addition to existing projects funded in Specific Appropriation 527, \$300,000 from nonrecurring General Revenue is provided for the following project:

Jackson County Health Department Construction (Jackson)..... 300,000

Immediately following Specific Appropriation 527, INSERT:

In addition to existing projects funded in Specific Appropriation 527, \$350,000 from nonrecurring General Revenue is provided for the following projects:

Jackson County Health Department Construction (Jackson)..... 300,000  
New Central Brevard County Health Department..... 50,000

Rep. Altman moved the adoption of the amendment, which was adopted.

Representative(s) Stargel offered the following:

(Amendment Bar Code: 990294)

**Profile Amendment 7—**

In Section: 03 On Page: 090 Specific Appropriation: 477  
DELETE INSERT

HEALTH, DEPARTMENT OF  
Program: Community Public Health  
Family Health Outpatient And Nutrition  
Services

477 In Section 03 On Page 090  
Special Categories  
Grants And Aids - Contracted Services

From Tobacco Settlement Trust Fund 3,215,000 3,190,000

In the list of projects immediately following Specific Appropriation 477, DELETE:

Lakeland Volunteers in Medicine (PoIk)..... 150,000

and insert in lieu thereof:

Lakeland Volunteers in Medicine (PoIk)..... 125,000

AGENCY FOR PERSONS WITH DISABILITIES  
Home And Community Services

610 In Section 03 On Page 105  
Special Categories  
Grants And Aids - Contracted Services

From Tobacco Settlement Trust Fund 25,000

At the end of existing proviso language, following Specific Appropriation 610, INSERT:

From the funds in Specific Appropriation 610, \$25,000 in nonrecurring Tobacco Settlement funds is provided for Noah's Ark (PoIk).

Rep. Stargel moved the adoption of the amendment, which was adopted.

Representative(s) Bean offered the following:

(Amendment Bar Code: 990248)

**Profile Amendment 8—**

In Section: 03 On Page: 087 Specific Appropriation: 445  
DELETE INSERT

HEALTH, DEPARTMENT OF  
Program: Executive Direction And Support  
Administrative Support

445 In Section 03 On Page 087  
Salaries And Benefits

Positions: 292.5 283.5  
From General Revenue Fund 4,096,357 3,598,067

Information Technology

453 In Section 03 On Page 088  
Salaries And Benefits

Positions: 86 84  
From General Revenue Fund 2,191,412 2,098,332

Program: Health Care Practitioner And  
Access  
Community Health Resources

589 In Section 03 On Page 103  
Special Categories  
Grants And Aids - Contracted Services

From General Revenue Fund 5,803,623 6,394,993

Rep. Bean moved the adoption of the amendment, which was adopted.

Representative(s) Bean offered the following:

(Amendment Bar Code: 990249)

**Profile Amendment 9—**

In Section: 03 On Page: 046 Specific Appropriation: 157  
DELETE INSERT

AGENCY FOR HEALTH CARE ADMINISTRATION  
Program: Administration And Support

157 In Section 03 On Page 046  
Expenses

Following Specific Appropriation 157, INSERT:

From the funds in Specific Appropriation 157, \$25,000 from the General Revenue Fund is provided to the Florida Association of Community Health Centers for the infrastructure build out for electronic health records for federally qualified health centers throughout the state.

Rep. Bean moved the adoption of the amendment.

Representative(s) Bean offered the following:

(Amendment Bar Code: 990250)

**Profile Substitute Amendment 9S—**

In Section: 03 On Page: 046 Specific Appropriation: 157  
DELETE INSERT

AGENCY FOR HEALTH CARE ADMINISTRATION  
Program: Administration And Support

157 In Section 03 On Page 046  
Expenses

Following Specific Appropriation 157, INSERT:

From the funds in Specific Appropriation 157, \$10,000 from the General Revenue Fund is provided to the Florida Association of Community Health Centers for the infrastructure build out for electronic health records for federally qualified health centers throughout the state.

Rep. Bean moved the adoption of the substitute amendment, which was adopted.

Representative(s) Bean offered the following:

(Amendment Bar Code: 990251)

**Profile Amendment 10—**

In Section: 03 On Page: 048 Specific Appropriation: 169  
DELETE INSERT

AGENCY FOR HEALTH CARE ADMINISTRATION  
Program: Health Care Services  
Executive Direction And Support Services

169 In Section 03 On Page 048  
Expenses

Following Specific Appropriation 169, INSERT:

From the funds in Specific Appropriation 169, \$25,000 from the General Revenue Fund is provided to the Florida Association of Community Health Centers for the development and planning of the Federally Qualified Health Center Provider Service Network.

Rep. Bean moved the adoption of the amendment.

Representative(s) Bean offered the following:

(Amendment Bar Code: 990252)

**Profile Substitute Amendment 10S—**

In Section: 03 On Page: 048 Specific Appropriation: 169  
DELETE INSERT

AGENCY FOR HEALTH CARE ADMINISTRATION  
Program: Health Care Services  
Executive Direction And Support Services

169 In Section 03 On Page 048  
Expenses

Following Specific Appropriation 169, INSERT:

From the funds in Specific Appropriation 169, \$10,000 from the General Revenue Fund is provided to the Florida Association of Community Health Centers for the development and planning of the Federally Qualified

Health Center Provider Service Network.

Rep. Bean moved the adoption of the substitute amendment, which was adopted.

Representative(s) Bean offered the following:

(Amendment Bar Code: 990253)

**Profile Amendment 11—**

In Section: 03 On Page: 049 Specific Appropriation: 178  
DELETE INSERT

AGENCY FOR HEALTH CARE ADMINISTRATION  
Program: Health Care Services  
Medicaid Services To Individuals

178 In Section 03 On Page 049  
Special Categories  
Case Management

Following Specific Appropriation 178, INSERT:

From the funds in Specific Appropriation 178, \$25,000 from the General Revenue Fund is provided to the Florida Association of Community Health Centers for disease management services, dental services, 340B pharmacy services and further Emergency Room Diversion for federally qualified health centers throughout the state.

Rep. Bean moved the adoption of the amendment.

Representative(s) Bean offered the following:

(Amendment Bar Code: 990254)

**Profile Substitute Amendment 11S—**

In Section: 03 On Page: 049 Specific Appropriation: 178  
DELETE INSERT

AGENCY FOR HEALTH CARE ADMINISTRATION  
Program: Health Care Services  
Medicaid Services To Individuals

178 In Section 03 On Page 049  
Special Categories  
Case Management

Following Specific Appropriation 178, INSERT:

From the funds in Specific Appropriation 178, \$10,000 from the General Revenue Fund is provided to the Florida Association of Community Health Centers for disease management services, dental services, 340B pharmacy services and further Emergency Room Diversion for federally qualified health centers throughout the state.

Rep. Bean moved the adoption of the substitute amendment, which was adopted.

**Profile Amendment 12** was withdrawn.

Representative(s) Greenstein and Roberson offered the following:

(Amendment Bar Code: 990256)

**Profile Amendment 13—**

In Section: 03 On Page: 103 Specific Appropriation: 589  
DELETE INSERT

HEALTH, DEPARTMENT OF  
Program: Health Care Practitioner And  
Access  
Community Health Resources

In Section 03 On Page 103

589 Special Categories  
Grants And Aids - Contracted Services

House agreed to consider the following late-filed amendment.

Insert proviso immediately following Specific Appropriation 589:

Representative(s) Gannon and Vana offered the following:

From the funds in Specific Appropriation 589, \$75,000 in nonrecurring Tobacco Settlement Trust Funds is provided for nutritional education specific to rural counties by the Florida Association of Food Banks.

(Amendment Bar Code: 990260)

Rep. Greenstein moved the adoption of the amendment, which was adopted.

**Profile Amendment 16—**  
In Section: 03 On Page: 090 Specific Appropriation: 477  
DELETE INSERT

HEALTH, DEPARTMENT OF  
Program: Community Public Health  
Family Health Outpatient And Nutrition  
Services

477 In Section 03 On Page 090  
Special Categories  
Grants And Aids - Contracted Services

Representative(s) Bean offered the following:

Immediately following Specific Appropriation 477, DELETE proviso:

(Amendment Bar Code: 990257)

**Profile Amendment 14—**  
In Section: 03 On Page: 103 Specific Appropriation: 589  
DELETE INSERT

HEALTH, DEPARTMENT OF  
Program: Health Care Practitioner And  
Access  
Community Health Resources

Cervical Cancer Elimination Task Force (Statewide).....30,000

589 In Section 03 On Page 103  
Special Categories  
Grants And Aids - Contracted Services

Immediately following Specific Appropriation 477, INSERT:

At the end of existing proviso language, following Specific Appropriation 589, INSERT:

From the funds in Specific Appropriation 477, \$30,000 from the General Revenue Fund is provided for the University of South Florida College of Public Health to implement the Cervical Cancer Elimination Task Force pursuant to section 15, chapter 2004-2, Laws of Florida.

From the funds in Specific Appropriation 589, \$25,000 from General Revenue is provided to the Florida Association of Community Health Centers for disease management services, dental services, 340B pharmacy services and further emergency room diversion for federally qualified health centers throughout the state. The grants must fund capital improvements that enhance operational efficiency in federally qualified health centers.

Rep. Gannon moved the adoption of the amendment, which was adopted.

Representative(s) Sorensen offered the following:

Rep. Bean moved the adoption of the amendment.

(Amendment Bar Code: 990261)

Representative(s) Bean offered the following:

**Profile Amendment 17—**  
In Section: 05 On Page: 212 Specific Appropriation: 1717  
DELETE INSERT

ENVIRONMENTAL PROTECTION, DEPARTMENT OF  
Program: Water Resource Management  
Water Resource Protection And Restoration

(Amendment Bar Code: 990258)

**Profile Substitute Amendment 14S—**  
In Section: 03 On Page: 103 Specific Appropriation: 589  
DELETE INSERT

HEALTH, DEPARTMENT OF  
Program: Health Care Practitioner And  
Access  
Community Health Resources

1717 In Section 05 On Page 212  
Fixed Capital Outlay  
Keys Wastewater Management Plan  
Implementation

589 In Section 03 On Page 103  
Special Categories  
Grants And Aids - Contracted Services

DELETE the proviso immediately following Specific Appropriation 1717:

At the end of existing proviso language, following Specific Appropriation 589, INSERT:

Funds in Specific Appropriation 1717 shall be used by the Department of Environmental Protection to fund local government wastewater systems in Monroe County. In order to qualify for funding, each applicant must document that its proposed wastewater project:

From the funds in Specific Appropriation 589, \$10,000 from General Revenue Fund is provided to the Florida Association of Community Health Centers for disease management services, dental services, 340B pharmacy services and further emergency room diversion for federally qualified health centers throughout the state. The grants must fund capital improvements that enhance operational efficiency in federally qualified health centers.

1. Is designed to meet required wastewater treatment and disposal standards in Chapter 99-395, Laws of Florida, as amended;
2. Involves construction or design-build, not planning;
3. Completes facilities or significant phases of facilities;
4. Is included in the Monroe County Sanitary Wastewater Master Plan or other legitimate planning document addressing engineering and financing;
5. Has been or will be openly procured among contractors qualified to build wastewater facilities in the unique physical environment of the Keys;
6. Will be ready to proceed with construction no later than April 30, 2006;
7. Leverages other monies (local funds, including local bonding;

Rep. Bean moved the adoption of the substitute amendment, which was adopted.

**Profile Amendment 15** was withdrawn.

On motion by Rep. Gannon, by the required two-thirds vote, the

Department of Environmental Protection State Revolving Fund loans; or other sources of money); and

8. Addresses wastewater service for low income residents, with provisions to ease the cost-burden on such residents.

In addition, each applicant must agree to meet project schedule and completion deadlines when entering into contracts or grant agreements with the Department of Environmental Protection.

and insert in lieu thereof:

Funds in Specific Appropriation 1717 shall be allocated in the following manner:

Ten percent of the total funds shall be appropriated to the City of Key West for wastewater construction or design-build, not planning.

\$10,000,000, or the remainder of the funds, shall be appropriated to the City of Marathon for wastewater construction or design-build, not planning.

Any balance of funds remaining shall be allocated by the Council of Mayors to local governments for construction or design-build, not planning; and those local governments will be ready to proceed with construction no later than April 30, 2006.

Any local governments eligible to receive funds under this specific appropriation that are not ready to proceed shall forfeit their allocation provided herein, and those funds shall be redistributed by the Council of Mayors to local governments that are ready to proceed no later than April 30, 2006.

Rep. Greenstein moved the adoption of the amendment, which was adopted.

Representative(s) Henriquez offered the following:

(Amendment Bar Code: 990262)

**Profile Amendment 18—**

In Section: 05 On Page: 215 Specific Appropriation: 1720 DELETED INSERT

ENVIRONMENTAL PROTECTION, DEPARTMENT OF  
Program: Water Resource Management  
Water Resource Protection And Restoration

1720 In Section 05 On Page 215  
Grants And Aids To Local Governments And  
Nonstate Entities - Fixed Capital Outlay  
Wastewater Treatment Facility  
Construction

Immediately following Specific Appropriation 1720, INSERT:

Funds from Specific Appropriation 1720 include \$658,366 for the West Tampa Elementary School Stormwater Improvements.

Rep. Henriquez moved the adoption of the amendment.

Representative(s) Henriquez offered the following:

(Amendment Bar Code: 990263)

**Profile Substitute Amendment 18S—**

In Section: 05 On Page: 213 Specific Appropriation: 1717A DELETED INSERT

ENVIRONMENTAL PROTECTION, DEPARTMENT OF  
Program: Water Resource Management  
Water Resource Protection And Restoration

1717A In Section 05 On Page 213  
Grants And Aids To Local Governments And  
Nonstate Entities - Fixed Capital Outlay

Grants And Aids - Water Projects

Immediately following Specific Appropriation 1717A, DELETE:

Tampa Bay Regional Reclaimed Water and Downstream  
Augmentation Project..... 4,800,000

and insert in lieu thereof:

Tampa Bay Regional Reclaimed Water and Downstream  
Augmentation Project..... 4,141,634  
West Tampa Elementary School Stormwater Improvements..... 658,366

Rep. Henriquez moved the adoption of the substitute amendment, which was adopted.

**Profile Amendments 19, 20, 21, and 22** were withdrawn.

Representative(s) Greenstein, Seiler, Justice, and Roberson offered the following:

(Amendment Bar Code: 990268)

**Profile Amendment 23—**

In Section: 02 On Page: 026 Specific Appropriation: 94 DELETED INSERT

EDUCATION, DEPARTMENT OF  
Public Schools, Division Of  
Program: State Grants/K-12 Program - Non  
FEFP

94 In Section 02 On Page 026  
Special Categories  
Educator Professional Liability Insurance

From General Revenue Fund 700,000 0

86 In Section 02 On Page 024  
Special Categories  
Grants And Aids - Mentoring/Student  
Assistance Initiatives

From General Revenue Fund 11,970,000 12,670,000

Following Specific Appropriation 86, DELETE:  
Governor's Mentoring Initiative..... 875,000

and insert in lieu thereof:

Governor's Mentoring Initiative..... 1,575,000

Rep. Greenstein moved the adoption of the amendment, which failed of adoption.

Representative(s) Brummer offered the following:

(Amendment Bar Code: 990269)

**Profile Amendment 24—**

In Section: 02 On Page: 029 Specific Appropriation: 110 DELETED INSERT

EDUCATION, DEPARTMENT OF  
Public Schools, Division Of  
Program: Educational Media & Technology  
Services

110 In Section 02 On Page 029  
Special Categories  
Grants And Aids - Public Broadcasting

From General Revenue Fund 11,176,611 2,647,457



Following Specific Appropriation 110, DELETE:

Public Television and Radio Stations..... 8,529,154

Blind Services, Division Of

47 In Section 02 On Page 014
Special Categories
Grants And Aids - Client Services
From General Revenue Fund 7,237,602 15,766,756

Immediately following Specific Appropriation 47, DELETE:

Specific Appropriation 47 includes \$937,600 from the General Revenue Fund for the Blind Babies Program.

and insert in lieu thereof:

Specific Appropriation 47 includes \$9,466,754 from the General Revenue Fund for the Blind Babies Program.

Rep. Brummer moved the adoption of the amendment, which failed of adoption.

THE SPEAKER IN THE CHAIR

Representative(s) Ausley, Roberson, and Vana offered the following:

(Amendment Bar Code: 990270)

Profile Amendment 25—

In Section: 01 On Page: 002 Specific Appropriation: 6
DELETE INSERT

EDUCATION, DEPARTMENT OF
Public Schools, Division Of
Program: State Grants/K-12 Program - FEFP

6 In Section 01 On Page 002
Aid To Local Governments
Grants And Aids - District Lottery And
School Recognition Program
From Educational Enhancement Trust 263,449,842 105,449,842
Fund

Immediately following Specific Appropriation 6, DELETE:

Funds provided in Specific Appropriation 6 are enhancement funds for school districts and shall be allocated as follows:

(a) to provide financial awards pursuant to provisions of section 1008.36, Florida Statutes, relating to the Florida School Recognition Program. Funds for the School Recognition Program shall be awarded by the Commissioner in the amount of \$100 per student in each qualifying school, and

(b) funds remaining after the obligations in paragraph (a) have been fully met shall be allocated to all school districts by prorating the amount of the appropriation on each district's K-12 base funding. From the portion of funds allocated pursuant to this paragraph, school boards must allocate, not later than October 1, 2005, at least \$10 per unweighted FTE student to be used at the discretion of the school advisory council pursuant to sections 24.121(5) and 1001.452, Florida Statutes. Council funds must be accounted for and are subject to being audited on a yearly basis.

and insert in lieu thereof:

Funds provided in Specific Appropriation 6 are enhancement funds for school districts and shall be allocated to all school districts by prorating the amount of the appropriation on each district's K-12 base funding. From the portion of funds allocated pursuant to this paragraph, school boards must allocate, not later than October 1, 2005, at least \$10 per unweighted FTE student to be used at the discretion of the school advisory council pursuant to sections 24.121(5) and 1001.452, Florida Statutes. Council funds must be accounted for and are subject to being audited on a yearly basis.

Early Learning
Prekindergarten Education

4A Special Categories
Transfer Voluntary Prekindergarten Funds
To Agency For Workforce Innovation

From Educational Enhancement Trust 158,000,000
Fund

72 In Section 02 On Page 019
Special Categories
Transfer Voluntary Prekindergarten Funds
To Agency For Workforce Innovation

Immediately following Specific Appropriation 72, DELETE:

Funds in Specific Appropriation 72 are provided to implement the Voluntary Prekindergarten Education Program as provided in Chapter 2004-484, Laws of Florida, and shall be allocated using the Base Student Allocation of \$2,500.

and insert in lieu thereof:

Funds in Specific Appropriation 4A and 72 are provided to

implement the Voluntary Prekindergarten Education Program as provided in Chapter 2004-484, Laws of Florida, and shall be allocated using the Base Student Allocation of \$3,520.

Rep. Ausley moved the adoption of the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 113

Speaker Bense in the Chair.

Yeas—33

Antone Gelber McInvale Slosberg
Ausley Gibson, A. Meadows Smith
Bendross-Mindingall Gottlieb Peterman Sobel
Brandenburg Greenstein Porth Stansel
Bucher Henriquez Richardson Taylor
Bullard Holloway Roberson Vana
Cusack Jennings Ryan
Fields Justice Sands
Gannon Machek Seiler

Nays—81

Adams Cretul Hasner Patterson
Allen Culp Hays Pickens
Altman Davis, D. Homan Planas
Ambler Davis, M. Hukill Poppell
Anderson Dean Johnson Proctor
Attkisson Detert Jordan Quinones
Barreiro Domino Kottkamp Reagan
Baxley Evers Kravitz Rice
Bean Farkas Kreegel Rivera
Bense Flores Kyle Robaina
Benson Galvano Legg Ross
Berfield Garcia Littlefield Rubio
Bilirakis Gardiner Llorente Russell
Bogdanoff Gibson, H. Lopez-Cantera Sansom
Bowen Glorioso Mahon Simmons
Brown Goldstein Mayfield Stargel
Brummer Goodlette Mealor Traviesa
Cannon Grant Murzin Troutman
Carroll Grimsley Needelman Waters
Clarke Harrell Negron Williams

Zapata

Votes after roll call:  
Yeas—Kendrick

Representative(s) Bendross-Mindingall, Bucher, and Roberson offered the following:

(Amendment Bar Code: 990271)

**Profile Amendment 26—**

In Section: 02 On Page: 025 Specific Appropriation: 88  
DELETE INSERT

EDUCATION, DEPARTMENT OF  
Public Schools, Division Of  
Program: State Grants/K-12 Program - Non  
FEFP

88 In Section 02 On Page 025  
Special Categories  
Kindergarten Through Grade Eight Virtual  
Education

From General Revenue Fund 7,000,000 4,600,000

Program: State Grants/K-12 Program - FEFP

6 In Section 01 On Page 002  
Aid To Local Governments  
Grants And Aids - District Lottery And  
School Recognition Program

From Educational Enhancement Trust Fund 263,449,842 105,449,842

Immediately following Specific Appropriation 6, DELETE:

Funds provided in Specific Appropriation 6 are enhancement funds for school districts and shall be allocated as follows:

(a) to provide financial awards pursuant to provisions of section 1008.36, Florida Statutes, relating to the Florida School Recognition Program. Funds for the School Recognition Program shall be awarded by the Commissioner in the amount of \$100 per student in each qualifying school, and

(b) funds remaining after the obligations in paragraph (a) have been fully met shall be allocated to all school districts by prorating the amount of the appropriation on each district's K-12 base funding. From the portion of funds allocated pursuant to this paragraph, school boards must allocate, not later than October 1, 2005, at least \$10 per unweighted FTE student to be used at the discretion of the school advisory council pursuant to sections 24.121(5) and 1001.452, Florida Statutes. Council funds must be accounted for and are subject to being audited on a yearly basis.

and insert in lieu thereof:

Funds provided in Specific Appropriation 6 are enhancement funds for school districts and shall be allocated to all school districts by prorating the amount of the appropriation on each district's K-12 base funding. From the portion of funds allocated pursuant to this paragraph, school boards must allocate, not later than October 1, 2005, at least \$10 per unweighted FTE student to be used at the discretion of the school advisory council pursuant to sections 24.121(5) and 1001.452, Florida Statutes. Council funds must be accounted for and are subject to being audited on a yearly basis.

5A Aid To Local Governments  
Grants And Aids - Florida Educational  
Finance Program

From Educational Enhancement Trust Fund 158,000,000

In Section 02 On Page 019

73 Aid To Local Governments  
Grants And Aids - Florida Educational  
Finance Program

From General Revenue Fund 6,591,227,247 6,593,627,247

At the end of existing proviso language, following Specific Appropriation 73, INSERT:

From funds provided in Specific Appropriation 5A and 73, \$158,000,000 from the Educational Enhancement Trust Fund and \$2,400,000 from General Revenue shall be provided for school districts to increase teacher salaries.

Rep. Bendross-Mindingall moved the adoption of the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 114

Speaker Bense in the Chair.

Yeas—33

Antone	Gelber	McInvale	Slosberg
Ausley	Gibson, A.	Meadows	Smith
Bendross-Mindingall	Gottlieb	Peterman	Sobel
Brandenburg	Greenstein	Porth	Stansel
Bucher	Henriquez	Richardson	Taylor
Bullard	Holloway	Roberson	Vana
Cusack	Jennings	Ryan	
Fields	Justice	Sands	
Gannon	Machek	Seiler	

Nays—80

Adams	Cretul	Hasner	Patterson
Allen	Culp	Hays	Pickens
Altman	Davis, D.	Homan	Planas
Ambler	Davis, M.	Hukill	Poppell
Anderson	Dean	Johnson	Proctor
Attkisson	Detert	Jordan	Quinones
Barreiro	Domino	Kottkamp	Reagan
Baxley	Evers	Kravitz	Rice
Bean	Farkas	Kreegel	Rivera
Bense	Flores	Kyle	Robaina
Benson	Galvano	Legg	Ross
Berfield	Garcia	Littlefield	Rubio
Bilirakis	Gardiner	Llorente	Russell
Bogdanoff	Gibson, H.	Lopez-Cantera	Sansom
Bowen	Glorioso	Mahon	Simmons
Brown	Goldstein	Mayfield	Stargel
Brummer	Goodlette	Mealor	Troutman
Cannon	Grant	Murzin	Waters
Carroll	Grimsley	Needelman	Williams
Clarke	Harrell	Negron	Zapata

Votes after roll call:  
Yeas—Kendrick  
Nays—Traviesa

Representative(s) Richardson and Vana offered the following:

(Amendment Bar Code: 990272)

**Profile Amendment 27—**

In Section: 01 On Page: 002 Specific Appropriation: 6  
DELETE INSERT

EDUCATION, DEPARTMENT OF

Public Schools, Division Of  
Program: State Grants/K-12 Program - FEFP

EDUCATION, DEPARTMENT OF  
Public Schools, Division Of  
Program: State Grants/K-12 Program - Non  
FEFP

6 In Section 01 On Page 002  
Aid To Local Governments  
Grants And Aids - District Lottery And  
School Recognition Program

87A In Section 02 On Page 024  
Special Categories  
Innovative Reading Pilot Programs

From Educational Enhancement Trust 263,449,842 213,449,842  
Fund

From General Revenue Fund 2,650,000 2,550,000

Immediately following Specific Appropriation 6, DELETE:

Immediately following Specific Appropriation 87A, DELETE:

Funds provided in Specific Appropriation 6 are enhancement funds for school districts and shall be allocated as follows:

From the funds provided in Specific Appropriation 87A, \$1,650,000 is and insert in lieu thereof:

(a) to provide financial awards pursuant to provisions of section 1008.36, Florida Statutes, relating to the Florida School Recognition Program. Funds for the School Recognition Program shall be awarded by the Commissioner in the amount of \$100 per student in each qualifying school, and

From the funds provided in Specific Appropriation 87A, \$1,550,000 is

(b) funds remaining after the obligations in paragraph (a) have been fully met shall be allocated to all school districts by prorating the amount of the appropriation on each district's K-12 base funding. From the portion of funds allocated pursuant to this paragraph, school boards must allocate, not later than October 1, 2005, at least \$10 per unweighted FTE student to be used at the discretion of the school advisory council pursuant to sections 24.121(5) and 1001.452, Florida Statutes. Council funds must be accounted for and are subject to being audited on a yearly basis.

86 Special Categories  
Grants And Aids - Mentoring/Student  
Assistance Initiatives

From General Revenue Fund 11,970,000 12,070,000

Following Specific Appropriation 86, DELETE:

Big Brothers, Big Sisters..... 1,840,000

and insert in lieu thereof:

and insert in lieu thereof:

Big Brothers, Big Sisters..... 1,940,000

Funds provided in Specific Appropriation 6 are enhancement funds for school districts and shall be allocated to all school districts by prorating the amount of the appropriation on each district's K-12 base funding. From the portion of funds allocated pursuant to this paragraph, school boards must allocate, not later than October 1, 2005, at least \$10 per unweighted FTE student to be used at the discretion of the school advisory council pursuant to sections 24.121(5) and 1001.452, Florida Statutes. Council funds must be accounted for and are subject to being audited on a yearly basis.

Rep. Harrell moved the adoption of the amendment, which was adopted.

Representative(s) Roberson offered the following:

(Amendment Bar Code: 990274)

Office Of Student Financial Assistance  
Program: Student Financial Aid Program -  
State

**Profile Amendment 29—**

In Section: 02 On Page: 024 Specific Appropriation: 87A  
DELETE INSERT

4 In Section 01 On Page 001  
Financial Assistance Payments  
Student Financial Aid

EDUCATION, DEPARTMENT OF  
Public Schools, Division Of  
Program: State Grants/K-12 Program - Non  
FEFP

From Educational Enhancement Trust 24,561,369 74,561,369  
Fund

87A In Section 02 On Page 024  
Special Categories  
Innovative Reading Pilot Programs

From General Revenue Fund 2,650,000 2,600,000

Following Specific Appropriation 67, DELETE:

Immediately following Specific Appropriation 87A, DELETE:

Florida Student Assistance Grant - Public Full & Part Time.. 76,914,814

From the funds provided in Specific Appropriation 87A, \$1,650,000 is and insert in lieu thereof:

Florida Student Assistance Grant - Public Full & Part Time.. 126,914,814

From the funds provided in Specific Appropriation 87A, \$1,600,000 is

Rep. Richardson moved the adoption of the amendment, which failed of adoption.

99 In Section 02 On Page 027  
Special Categories  
Grants And Aids - School And  
Instructional Enhancements

From General Revenue Fund 7,850,634 7,900,634

Representative(s) Harrell offered the following:

(Amendment Bar Code: 990273)

At the end of existing proviso language, following Specific Appropriation 99, INSERT:

**Profile Amendment 28—**

In Section: 02 On Page: 024 Specific Appropriation: 87A  
DELETE INSERT

New Hope Development Center..... \$50,000

Rep. Roberson moved the adoption of the amendment, which was adopted.

**Profile Amendment 30** and **Profile Substitute Amendment 30S** were withdrawn.

**Profile Amendment 31** was withdrawn.

Representative(s) Sorensen and Pickens offered the following:

(Amendment Bar Code: 990278)

**Profile Amendment 32—**

In Section: 02 On Page: 025 Specific Appropriation: 88  
 DELETE INSERT

EDUCATION, DEPARTMENT OF  
 Public Schools, Division Of  
 Program: State Grants/K-12 Program - Non  
 FEFP

88 In Section 02 On Page 025  
 Special Categories  
 Kindergarten Through Grade Eight Virtual  
 Education  
 From General Revenue Fund 7,000,000 6,000,000

99 In Section 02 On Page 027  
 Special Categories  
 Grants And Aids - School And  
 Instructional Enhancements  
 From General Revenue Fund 7,850,634 8,850,634

At the end of existing proviso language, following Specific  
 Appropriation 99, INSERT:

Monroe District Schools Special Academic Incentive Grant.... 1,000,000

Rep. Pickens moved the adoption of the amendment, which was adopted.

**Profile Amendment 33** was withdrawn.

Representative(s) Barreiro offered the following:

(Amendment Bar Code: 990282)

**Profile Amendment 35—**

In Section: 04 On Page: 112 Specific Appropriation: 659A  
 DELETE INSERT

CORRECTIONS, DEPARTMENT OF  
 Program: Department Administration  
 Executive Direction And Support Services

659A In Section 04 On Page 112  
 Lump Sum  
 Critical Corrections System Enhancements  
 From General Revenue Fund 2,643,772 2,393,772

LAW ENFORCEMENT, DEPARTMENT OF  
 Program: Investigations And Forensic  
 Science Program  
 Provide Investigative Services

1201 In Section 04 On Page 163  
 Special Categories  
 Grants And Aids - Special Projects  
 From General Revenue Fund 250,000

In the list of projects relating to recurring General Revenue

immediately following Specific Appropriations 1201, insert:

City of Coral Gables repair of Emergency Communications Tower...\$250,000

Rep. Barreiro moved the adoption of the amendment, which was adopted.

Representative(s) Richardson offered the following:

(Amendment Bar Code: 990280)

**Profile Amendment 34—**

In Section: 04 On Page: 173 Specific Appropriation: 1303  
 DELETE INSERT

PAROLE COMMISSION  
 Program: Post-Incarceration Enforcement  
 And Victims Rights

1303 In Section 04 On Page 173  
 Salaries And Benefits

Positions: 0 149  
 From General Revenue Fund 7,384,369

1304 Other Personal Services  
 From General Revenue Fund 270,531

1305 Expenses  
 From General Revenue Fund 1,167,660

1306 Operating Capital Outlay  
 From General Revenue Fund 111,339

1308 Special Categories  
 Risk Management Insurance  
 From General Revenue Fund 122,126

1309 Special Categories  
 Transfer To Department Of Management  
 Services - Human Resources Services  
 Purchased Per Statewide Contract  
 From General Revenue Fund 59,598

1310 Data Processing Services  
 Law Enforcement Data Center  
 From General Revenue Fund 1,932

1311 Data Processing Services  
 Other Data Processing Services  
 From General Revenue Fund 317,924

LAW ENFORCEMENT, DEPARTMENT OF  
 Program: Executive Direction And Support  
 Provide Executive Direction And Support  
 Services

1158A In Section 04 On Page 159  
 Lump Sum  
 Criminal Justice And Law Enforcement  
 Enhancements

Positions: 149 0  
 From General Revenue Fund 9,435,479 0

Rep. Richardson moved the adoption of the amendment.

Representative(s) Needelman offered the following:

(Amendment Bar Code: 990281)

**Profile Substitute Amendment 34S—**

In Section: 04 On Page: 173 Specific Appropriation: 1303

DELETE INSERT

PAROLE COMMISSION  
Program: Post-Incarceration Enforcement  
And Victims Rights

1303 In Section 04 On Page 173  
Salaries And Benefits

Positions: 0 148  
From General Revenue Fund 6,728,486

1304 Other Personal Services  
From General Revenue Fund 135,266

1305 Expenses  
From General Revenue Fund 1,048,355

1308 Special Categories  
Risk Management Insurance  
From General Revenue Fund 111,949

1309 Special Categories  
Transfer To Department Of Management  
Services - Human Resources Services  
Purchased Per Statewide Contract  
From General Revenue Fund 54,275

1310 Data Processing Services  
Law Enforcement Data Center  
From General Revenue Fund 1,771

1306-A Lump Sum  
Continuation of Critical Activities  
From General Revenue Fund 1,105,377

Following Specific Appropriation 1306-A, INSERT:

Funds in Specific Appropriation 1306A are provided to continue critical activities of the Parole Commission upon elimination of the Commission. Funds from Specific Appropriation 1306A shall be transferred, as provided by the Legislature, to the Executive Office of the Governor, the Department of Corrections and the Office of the Attorney General, or as otherwise provided by the Legislature.

1311 Data Processing Services  
Other Data Processing Services  
From General Revenue Fund 250,000

LAW ENFORCEMENT, DEPARTMENT OF  
Program: Executive Direction And Support  
Provide Executive Direction And Support  
Services

1158A In Section 04 On Page 159  
Lump Sum  
Criminal Justice And Law Enforcement  
Enhancements

Positions: 149 0  
From General Revenue Fund 9,435,479 0

Rep. Needelman moved the adoption of the substitute amendment, which was adopted.

Representative(s) Adams offered the following:

(Amendment Bar Code: 990283)

**Profile Amendment 36—**

In Section: 04 On Page: 163 Specific Appropriation: 1195

DELETE INSERT

LAW ENFORCEMENT, DEPARTMENT OF  
Program: Investigations And Forensic  
Science Program  
Provide Investigative Services

1195 In Section 04 On Page 163  
Expenses

From General Revenue Fund 10,270,638 10,220,638

1206 In Section 04 On Page 164  
Fixed Capital Outlay  
Architectural and Engineering Services  
for Replacement of the Pensacola Regional  
Operations Center

From General Revenue Fund 50,000

Rep. Adams moved the adoption of the amendment, which was adopted.

Representative(s) Mahon offered the following:

(Amendment Bar Code: 990284)

**Profile Amendment 37—**

In Section: 04 On Page: 126 Specific Appropriation: 832A

DELETE INSERT

JUSTICE ADMINISTRATION  
Program: Justice Administrative  
Commission  
Executive Direction And Support Services

832A In Section 04 On Page 126  
Lump Sum  
Staffing Adjustments For Increased  
Judgeships

Positions: 275 0  
From General Revenue Fund 12,000,000 0

832A Lump Sum  
State Attorney and Public Defender  
Workload

Positions: 0 275  
From General Revenue Fund 12,000,000

Rep. Mahon moved the adoption of the amendment, which was adopted.

Representative(s) Smith offered the following:

(Amendment Bar Code: 990285)

**Profile Amendment 38—**

In Section: 06 On Page: 335 Specific Appropriation: 2967A

DELETE INSERT

STATE, DEPARTMENT OF  
Program: Library And Information Services  
Library, Archives And Information  
Services

2967A In Section 06 On Page 335  
Fixed Capital Outlay

Library Construction Grants

From General Revenue Fund 10,200,000 10,150,000

In Section 06, on Page 335, DELETE the following:

From the funds in Specific Appropriation 2967A, \$200,000 is provided for the Lauderdale Lakes Educational and Cultural Center.

and insert in lieu thereof:

From the funds in Specific Appropriation 2967A, \$150,000 is provided for the Lauderdale Lakes Educational and Cultural Center.

Program: Historical Resources
Historical Resources Preservation And Exhibition

2949B In Section 06 On Page 334
Grants And Aids To Local Governments And Nonstate Entities - Fixed Capital Outlay
Grants And Aids - Specific Cultural And Historic Projects

From General Revenue Fund 472,000 522,000

At the end of existing proviso language, following Specific Appropriation 2949B, INSERT:

Lauderhill Performing Arts Center 50,000

Rep. Smith moved the adoption of the amendment, which was adopted.

Representative(s) Poppell offered the following:

(Amendment Bar Code: 990286)

Profile Amendment 39

In Section: 05 On Page: 192 Specific Appropriation: 1508A DELETE INSERT

COMMUNITY AFFAIRS, DEPARTMENT OF
Program: Emergency Management
Emergency Planning

1508A In Section 05 On Page 192
Grants And Aids To Local Governments And Nonstate Entities - Fixed Capital Outlay
Local Emergency Management Facilities

In Section 05, on Page 192, DELETE the following:

From the funds in Specific Appropriation 1508A, \$50,000 from the General Revenue Fund is provided for the Brevard Chamber of Commerce/ADA Facility Upgrade.

and insert in lieu thereof:

From the funds in Specific Appropriation 1508A, \$50,000 from the General Revenue Fund is provided as follows:
Brevard Chamber of Commerce/ADA Facility Upgrade 25,000
Emergency Operations Center in Indian River County 25,000

Rep. Poppell moved the adoption of the amendment, which was adopted.

Profile Amendments 40, 41, and 42 were withdrawn.

Representative(s) Ambler offered the following:

(Amendment Bar Code: 990290)

Profile Amendment 43

In Section: 06 On Page: 292 Specific Appropriation: 2510 DELETE INSERT

GOVERNOR, EXECUTIVE OFFICE OF THE
Program: Office Of Tourism, Trade And Economic Development
Economic Development Programs And Projects

2510 In Section 06 On Page 292
Grants And Aids To Local Governments And Nonstate Entities - Fixed Capital Outlay
Economic Development Transportation Projects

Following Specific Appropriation 2510, INSERT:

Notwithstanding any other proviso language, from Specific Appropriation 2510 from the Economic Development Transportation Trust Fund, an amount not to exceed \$500,000 shall be used for pre-construction, site preparation, site development, construction and operation of a bus bay/maintenance facility by the Hillsborough Area Regional Transit Authority.

Rep. Ambler moved the adoption of the amendment, which failed of adoption.

Representative(s) Gannon, Bucher, and Vana offered the following:

(Amendment Bar Code: 990291)

Profile Amendment 44

In Section: 05 On Page: 191 Specific Appropriation: 1502 DELETE INSERT

COMMUNITY AFFAIRS, DEPARTMENT OF
Program: Emergency Management
Emergency Planning

1502 In Section 05 On Page 191
Special Categories
Grants And Aids - State Domestic
Preparedness Program

In Section 05, on Page 191, DELETE the following:

Urban Area Security Initiative (UASI) 30,885,716

and insert in lieu thereof:

Urban Area Security Initiative (UASI) 22,885,716
Security for Religious Institutes 8,000,000

Rep. Gannon moved the adoption of the amendment, which failed of adoption.

Profile Amendments 45 and 46 were withdrawn.

On motion by Rep. Mealor, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative(s) Mealor offered the following:

(Amendment Bar Code: 990295)

Profile Amendment 47

In Section: 06 On Page: 290 Specific Appropriation: 2498B DELETE INSERT

GOVERNOR, EXECUTIVE OFFICE OF THE
Program: Office Of Tourism, Trade And Economic Development
Economic Development Programs And Projects

2498B In Section 06 On Page 290
Special Categories
Economic Development Projects

From General Revenue Fund 8,397,650 8,597,650

At the end of existing proviso language, following Specific Appropriation 2498B, INSERT:

Improvements to Church Street and N. White Cedar Road ..... 200,000

HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF Program: Kirkman Data Center Information Technology In Section 06 On Page 299 2586 Expenses

From General Revenue Fund 4,327,019 4,127,019

Rep. Mealor moved the adoption of the amendment, which was adopted.

Rep. Richardson moved that late-filed Profile Amendment 48 be allowed for consideration, which was not agreed to by the required two-thirds vote.

On motion by Rep. Negron, the rules were waived and HB 1885 was read the third time by title.

Rep. Rubio suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 115].

The question recurred on the passage of HB 1885. The vote was:

Session Vote Sequence: 116

Speaker Bense in the Chair.

Yeas—115

- Adams Davis, D. Hukill Proctor
Allen Davis, M. Jennings Quinones
Altman Dean Johnson Reagan
Ambler Detert Jordan Rice
Anderson Domino Justice Richardson
Antone Evers Kendrick Rivera
Attkisson Farkas Kottkamp Robaina
Ausley Fields Kravitz Roberson
Barreiro Flores Kreegel Ross
Baxley Galvano Kyle Rubio
Bean Gannon Legg Russell
Bendross-Mindingall Garcia Littlefield Ryan
Bense Gardiner Llorente Sands
Benson Gelber Lopez-Cantera Sansom
Berfield Gibson, A. Machek Seiler
Bilirakis Gibson, H. Mahon Simmons
Bogdanoff Glorioso Mayfield Slosberg
Bowen Goldstein McInvale Smith
Brandenburg Goodlette Meadows Sobel
Brown Gottlieb Mealor Stansel
Brummer Grant Murzin Stargel
Bucher Greenstein Needelman Taylor
Bullard Grimsley Negron Traviesa
Cannon Harrell Patterson Troutman
Carroll Hasner Peterman Vana
Clarke Hays Pickens Waters
Cretul Henriquez Planas Williams
Culp Holloway Poppell Zapata
Cusack Homan Porth

Nays—None

So the bill passed, as amended, and was certified to the Senate after engrossment.

HB 1887—A bill to be entitled An act implementing the 2005-2006 General Appropriations Act; providing legislative intent; amending s. 1013.62, F.S.; deleting a provision providing for the allocation of charter school capital outlay funds if the appropriation for such funds is greater than the 2002-2003 appropriation; creating s. 1004.065, F.S.; providing a limitation on university and direct-support organization financings; amending s. 394.908, F.S.; providing for substance abuse and mental health funding equity as provided in the General Appropriations Act; including funds appropriated for projects in specific locations in the base funding of such locations when calculating the distribution of funds under the equity formula; amending s. 287.057, F.S.; authorizing the Department of Children and Family Services to contract with a private provider for a mental health treatment facility; amending s. 381.79, F.S.; providing for use of funds in the Brain and Spinal Cord Injury Program Trust Fund for spinal cord injury and brain injury research at the University of Miami; amending s. 402.33, F.S.; suspending authority of the Department of Children and Family Services to use funds in excess of fee collections; authorizing the Department of Corrections and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the respective department; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; providing for the transfer of a specified building to the Department of Corrections for additional prison beds; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; amending s. 376.3071, F.S.; providing for use of funds from the Inland Protection Trust Fund to clean up certain petroleum contaminated sites and to purchase generators for emergency fuel supply; amending s. 373.4137, F.S.; providing for water management districts to use specified funds in certain surface water improvement and management or invasive plant control projects; amending s. 120.551, F.S.; continuing Internet publication of certain notices of the Department of Environmental Protection and the Board of Trustees of the Internal Improvement Trust Fund; creating the Florida Pork Producers Transition Grant Program within the Department of Agriculture and Consumer Services; entitling certain persons using farming methods described in the Florida Constitution on a certain date to apply for a grant; providing a cap on such grants and authorizing the department to adopt rules to implement the grant program; amending s. 320.08058, F.S.; authorizing proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; amending s. 445.048, F.S.; requiring that Workforce Florida, Inc., expand the Passport to Economic Progress demonstration program to a statewide program; authorizing Workforce Florida, Inc., to designate regional workforce boards to participate in the program; deleting a provision relating to the disregard of income for purposes of determining eligibility for cash assistance; requiring that Workforce Florida, Inc., offer incentive bonuses; providing requirements for such bonuses; providing that such bonuses are not an entitlement; requiring Workforce Florida, Inc., to submit evaluations and recommendations for the program as part of its annual report to the Legislature; amending s. 253.034, F.S.; authorizing deposit of funds from the sale of property by the Department of Highway Safety and Motor Vehicles located in Palm Beach County; amending s. 402.3017, F.S.; requiring the Agency for Workforce Innovation to administer Teacher Education and Compensation Helps (TEACH) scholarship program; amending s. 265.702, F.S.; providing a limit on the annual amount of individual cultural facilities grants; amending s. 287.057, F.S.; exempting

certain voter education activities from competitive-solicitation requirements; authorizing transfer of certain funds from the courts to the Justice Administrative Commission to meet certain shortfalls in due process appropriations; providing for expenditure of funds from the Working Capital Fund to offset deficiencies in due process services; reenacting s. 215.32(2)(b), F.S., relating to the source and use of trust funds; providing for future repeal or expiration of various provisions; providing for reversion of certain provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2005-2006 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing an effective date.

—was read the second time by title.

Representative(s) Ausley and Kendrick offered the following:

(Amendment Bar Code: 499827)

**Amendment 1 (with title amendment)**—Between lines 156 and 157, insert:

Section 5. Paragraph (a) of subsection (5) of section 411.01, Florida Statutes, is amended to read:

411.01 School readiness programs; early learning coalitions.--

(5) CREATION OF EARLY LEARNING COALITIONS.--

(a) Early learning coalitions.--

1. The Agency for Workforce Innovation shall establish the minimum number of children to be served by each early learning coalition through the coalition's school readiness program. The Agency for Workforce Innovation may only approve school readiness plans in accordance with this minimum number. The minimum number must be uniform for every early learning coalition and must:

a. Permit ~~32~~ 30 or fewer coalitions to be established; and

b. Require each coalition to serve at least 2,000 children based upon the average number of all children served per month through the coalition's school readiness program during the previous 12 months.

The Agency for Workforce Innovation shall adopt procedures for merging early learning coalitions, including procedures for the consolidation of merging coalitions, and for the early termination of the terms of coalition members which are necessary to accomplish the mergers. Each early learning coalition must comply with the merger procedures and shall be organized in accordance with this subparagraph by April 1, 2005. By June 30, 2005, each coalition must complete the transfer of powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds to the successor coalition, if applicable.

2. If an early learning coalition would serve fewer children than the minimum number established under subparagraph 1., the coalition must merge with another county to form a multicounty coalition. However, the Agency for Workforce Innovation may authorize an early learning coalition to serve fewer children than the minimum number established under subparagraph 1., if:

a. The coalition demonstrates to the Agency for Workforce Innovation that merging with another county or multicounty region contiguous to the coalition would cause an extreme hardship on the coalition;

b. The Agency for Workforce Innovation has determined during the most recent annual review of the coalition's school readiness plan, or through monitoring and performance evaluations conducted under paragraph (4)(l), that the coalition has substantially implemented its plan and substantially met the performance standards and outcome measures adopted by the agency; and

c. The coalition demonstrates to the Agency for Workforce

Innovation the coalition's ability to effectively and efficiently implement the Voluntary Prekindergarten Education Program.

If an early learning coalition fails or refuses to merge as required by this subparagraph, the Agency for Workforce Innovation may dissolve the coalition and temporarily contract with a qualified entity to continue school readiness and prekindergarten services in the coalition's county or multicounty region until the coalition is reestablished through resubmission of a school readiness plan and approval by the agency.

3. Each early learning coalition shall be composed of at least 18 members but not more than 35 members. The Agency for Workforce Innovation shall adopt standards establishing within this range the minimum and maximum number of members that may be appointed to an early learning coalition. These standards must include variations for a coalition serving a multicounty region. Each early learning coalition must comply with these standards.

4. The Governor shall appoint the chair and two other members of each early learning coalition, who must each meet the same qualifications as private-sector business members appointed by the coalition under subparagraph 6.

5. Each early learning coalition must include the following members:

a. A Department of Children and Family Services district administrator or his or her designee who is authorized to make decisions on behalf of the department.

b. A district superintendent of schools or his or her designee who is authorized to make decisions on behalf of the district, who shall be a nonvoting member.

c. A regional workforce board executive director or his or her designee.

d. A county health department director or his or her designee.

e. A children's services council or juvenile welfare board chair or executive director, if applicable, who shall be a nonvoting member if the council or board is the fiscal agent of the coalition or if the council or board contracts with and receives funds from the coalition.

f. An agency head of a local licensing agency as defined in s. 402.302, where applicable.

g. A president of a community college or his or her designee.

h. One member appointed by a board of county commissioners.

i. A central agency administrator, where applicable, who shall be a nonvoting member.

j. A Head Start director, who shall be a nonvoting member.

k. A representative of private child care providers, including family day care homes, who shall be a nonvoting member.

l. A representative of faith-based child care providers, who shall be a nonvoting member.

m. A representative of programs for children with disabilities under the federal Individuals with Disabilities Education Act, who shall be a nonvoting member.

6. Including the members appointed by the Governor under subparagraph 4., more than one-third of the members of each early learning coalition must be private-sector business members who do not have, and none of whose relatives as defined in s. 112.3143 has, a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program created under part V of chapter 1002 or the coalition's school readiness program. To meet this requirement an early learning coalition must appoint additional members from a list of nominees submitted to the coalition by a chamber of commerce or economic development council within the geographic region served by the coalition. The Agency for Workforce Innovation shall establish criteria for appointing private-sector business members. These criteria must include standards for determining whether a member or relative has a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program or the coalition's school readiness program.

7. A majority of the voting membership of an early learning coalition constitutes a quorum required to conduct the business of the coalition.



8. A voting member of an early learning coalition may not appoint a designee to act in his or her place, except as otherwise provided in this paragraph. A voting member may send a representative to coalition meetings, but that representative does not have voting privileges. When a district administrator for the Department of Children and Family Services appoints a designee to an early learning coalition, the designee is the voting member of the coalition, and any individual attending in the designee's place, including the district administrator, does not have voting privileges.

9. Each member of an early learning coalition is subject to ss. 112.313, 112.3135, and 112.3143. For purposes of s. 112.3143(3)(a), each voting member is a local public officer who must abstain from voting when a voting conflict exists.

10. For purposes of tort liability, each member or employee of an early learning coalition shall be governed by s. 768.28.

11. An early learning coalition serving a multicounty region must include representation from each county.

12. Each early learning coalition shall establish terms for all appointed members of the coalition. The terms must be staggered and must be a uniform length that does not exceed 4 years per term. Appointed members may serve a maximum of two consecutive terms. When a vacancy occurs in an appointed position, the coalition must advertise the vacancy.

Remove line 9 and insert:  
financings; amending s. 411.01, F.S.; increasing the number of early learning coalitions authorized to be established; amending s. 394.908, F.S.; providing for

Rep. Ausley moved the adoption of the amendment.

Further consideration of **Amendment 1** was temporarily postponed.

Representative(s) Barreiro offered the following:

(Amendment Bar Code: 868157)

**Amendment 2 (with title amendment)**—Between line(s) 248 and 249, insert:

Section 10. In order to implement Specific Appropriation 1201 of the 2005-2006 General Appropriations Act, paragraph (d) is added to subsection (4) of section 932.7055, Florida Statutes, to read:

932.7055 Disposition of liens and forfeited property.--

(4) The proceeds from the sale of forfeited property shall be disbursed in the following priority:

(d) Notwithstanding any other provision of this subsection, and for the 2005-2006 fiscal year only, the funds in a special law enforcement trust fund established by the governing body of a municipality may be expended to reimburse the general fund of the municipality for moneys advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001. This paragraph expires July 1, 2006.

Remove line(s) 28 and insert:  
respective department; amending s. 932.7055, F.S.; allowing municipalities to reimburse their general funds from moneys they advanced to their own special law enforcement trust funds; amending s. 216.262, F.S.;

Rep. Barreiro moved the adoption of the amendment, which was adopted.

Representative(s) Greenstein offered the following:

(Amendment Bar Code: 268089)

**Amendment 3 (with title amendment)**—Remove line(s) 888 and

insert:

Representatives are incorporated by reference, except that the Department of Education shall have an additional performance measure of 5 percent improvement in graduation rates of students attending Florida public high schools. Such performance

Remove line(s) 96 and insert:  
Performance and Accountability Act of 1994; providing an additional performance measure for the Department of Education; providing

Rep. Greenstein moved the adoption of the amendment, which failed of adoption.

The question recurred on the adoption of **Amendment 1**, which was withdrawn.

On motion by Rep. Negron, the rules were waived and HB 1887 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 117

Speaker Bense in the Chair.

Yeas—115

Adams	Davis, D.	Hukill	Proctor
Allen	Davis, M.	Jennings	Quinones
Altman	Dean	Johnson	Reagan
Ambler	Detert	Jordan	Rice
Anderson	Domino	Justice	Richardson
Antone	Evers	Kendrick	Rivera
Attkisson	Farkas	Kottkamp	Robaina
Ausley	Fields	Kravitz	Roberson
Barreiro	Flores	Kreegel	Ross
Baxley	Galvano	Kyle	Rubio
Bean	Gannon	Legg	Russell
Bendross-Mindingall	Garcia	Littlefield	Ryan
Bense	Gardiner	Llorente	Sands
Benson	Gelber	Lopez-Cantera	Sansom
Berfield	Gibson, A.	Machek	Seiler
Bilirakis	Gibson, H.	Mahon	Simmons
Bogdanoff	Glorioso	Mayfield	Slosberg
Bowen	Goldstein	McInvale	Smith
Brandenburg	Goodlette	Meadows	Sobel
Brown	Gottlieb	Mealor	Stansel
Brummer	Grant	Murzin	Stargel
Bucher	Greenstein	Needelman	Taylor
Bullard	Grimsley	Negron	Traviesa
Cannon	Harrell	Patterson	Troutman
Carroll	Hasner	Peterman	Vana
Clarke	Hays	Pickens	Waters
Cretul	Henriquez	Planas	Williams
Culp	Holloway	Poppell	Zapata
Cusack	Homan	Porth	

Nays—None

So the bill passed, as amended, and was certified to the Senate after engrossment.

**HB 1889**—A bill to be entitled An act relating to the distribution of proceeds from the excise tax on documents; amending s. 201.15, F.S.; revising monetary criteria for distributing portions of the tax to certain trust funds; revising authorization for the Department of Revenue to use certain amounts for certain purposes; requiring that proceeds of the tax in excess of specified amounts be deposited into the General Revenue Fund;

providing for increased distributions to certain trust funds under certain circumstances to provide for payments on bonds; revising monetary criteria for distributing portions of the tax to the State Housing Trust Fund and the Local Government Housing Trust Fund for purposes of preserving the rights of holders of affordable housing guarantees; providing effective dates.

—was read the second time by title.

Representative Brummer offered the following:

(Amendment Bar Code: 053673)

**Amendment 1**—Remove lines 264-291 and insert:

(9) The lesser of seven and ~~fifty-three forty-five~~ hundredths percent of the remaining taxes collected under this chapter or \$85 million shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:

(a) Half of that amount shall be used for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Half of that amount shall be paid into the State Treasury to the credit of the Local Government Housing Trust Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was created and exists by law.

(10) The lesser of eight and ~~sixty-six fifty-seven~~ hundredths percent of the remaining taxes collected under this chapter or \$108 million shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:

(a) Twelve and one-half percent of that amount shall be deposited into the State Housing Trust Fund and be expended by the Department of Community Affairs and by the Florida Housing Finance Corporation for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Eighty-seven and one-half percent of that amount shall be distributed to the Local Government Housing Trust Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was created and exists by law. Funds from this category may also be used to provide for state and local services to assist the homeless.

Rep. Brummer moved the adoption of the amendment.

Representative Brummer offered the following:

(Amendment Bar Code: 064881)

**Substitute Amendment 1 (with title amendment)**—Remove lines 254-291 and insert:

Section 2. Effective July 1, 2006, subsections (9) and (10) of section 201.15, Florida Statutes, as amended by this act, are amended, and subsection (17) is added to said section, to read:

201.15 Distribution of taxes collected.--All taxes collected under this chapter shall be distributed as follows and shall be subject to the service charge imposed in s. 215.20(1), except that such service charge shall not be levied against any portion of taxes pledged to debt service on bonds to the extent that the amount of the service charge is required to pay any amounts relating to the bonds:

(9) The lesser of seven and ~~fifty-three forty-five~~ hundredths percent of the remaining taxes collected under this chapter or \$85 million shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:

(a) Half of that amount shall be used for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Half of that amount shall be paid into the State Treasury to the credit of the Local Government Housing Trust Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was

created and exists by law.

(10) The lesser of eight and ~~sixty-six fifty-seven~~ hundredths percent of the remaining taxes collected under this chapter or \$108 million shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:

(a) Twelve and one-half percent of that amount shall be deposited into the State Housing Trust Fund and be expended by the Department of Community Affairs and by the Florida Housing Finance Corporation for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Eighty-seven and one-half percent of that amount shall be distributed to the Local Government Housing Trust Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was created and exists by law. Funds from this category may also be used to provide for state and local services to assist the homeless.

(17) Distributions to the State Housing Trust Fund pursuant to subsections (9) and (10) shall be sufficient to cover amounts required to be transferred to the Florida Affordable Housing Guarantee Program's annual debt service reserve and guarantee fund pursuant to s. 420.5092(6)(a) and (b) up to but not exceeding the amount required to be transferred to such reserve and fund prior to July 1, 2005.

Remove line 15 and insert:

housing guarantees; requiring distributions to the State Housing Trust Fund to be sufficient for certain purposes; providing a limitation; providing effective dates.

Rep. Brummer moved the adoption of the substitute amendment, which was adopted.

Representative(s) Detert offered the following:

(Amendment Bar Code: 384635)

**Amendment 2 (with directory and title amendments)**—Remove lines 266-291 and insert:

chapter or an amount equal to \$5.52 multiplied by the total state population, with determination of such population with respect to any fiscal year to be made on the basis of the most recent census estimate of the resident population of the state released by the Bureau of Census before the January 15th preceding the beginning of such fiscal year, shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:

(a) Half of that amount shall be used for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Half of that amount shall be paid into the State Treasury to the credit of the Local Government Housing Trust Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was created and exists by law.

(10) The lesser of eight and ~~sixty-six fifty-seven~~ hundredths percent of the remaining taxes collected under this chapter or an amount equal to \$13.51 multiplied by the total state population, with determination of such population with respect to any fiscal year to be made on the basis of the most recent census estimate of the resident population of the state released by the Bureau of Census before the January 15th preceding the beginning of such fiscal year, shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:

(a) Twelve and one-half percent of that amount shall be deposited into the State Housing Trust Fund and be expended by the Department of Community Affairs and by the Florida Housing Finance Corporation for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Eighty-seven and one-half percent of that amount shall be distributed to the Local Government Housing Trust Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was created and exists by law. Funds from this category may also

be used to provide for state and local services to assist the homeless.

(17) In the case of each fiscal year after fiscal year 2006-2007, the dollar amounts specified in subsections (9) and (10) shall be increased by a cost adjustment equal to such dollar amounts multiplied by the percentage by which the median sales price of a single-family home existing as of December of the calendar year preceding each fiscal year exceeds the sales price as of December 2004. For purposes of such subsections, the term "median sales price of a single-family home" means the price as determined by the Florida Sales Report released each year by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

Remove line 256 and insert:  
act, are amended, and subsection (17) is added to said section, to read:

Remove line 15 and insert:  
housing guarantees; providing for annually adjusting certain amounts distributed to the State Housing Trust Fund; providing an adjustment methodology; providing a definition; providing effective dates.

Rep. Detert moved the adoption of the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 118

Speaker Bense in the Chair.

Yeas—43

Antone	Fields	Jennings	Roberson
Ausley	Galvano	Johnson	Ryan
Bendross-Mindingall	Gannon	Justice	Sands
Brandenburg	Gelber	Kendrick	Seiler
Bucher	Gibson, A.	Machek	Slosberg
Bullard	Goldstein	McInvale	Smith
Culp	Gottlieb	Meadows	Sobel
Cusack	Grant	Peterman	Stansel
Dean	Greenstein	Planas	Taylor
Detert	Henriquez	Porth	Vana
Evers	Holloway	Richardson	

Nays—71

Adams	Clarke	Jordan	Proctor
Allen	Cretul	Kottkamp	Quinones
Altman	Davis, D.	Kravitz	Reagan
Ambler	Davis, M.	Kreegel	Rice
Anderson	Domino	Kyle	Rivera
Barreiro	Farkas	Legg	Robaina
Baxley	Flores	Littlefield	Ross
Bean	Garcia	Llorente	Rubio
Bense	Gardiner	Lopez-Cantera	Russell
Benson	Gibson, H.	Mahon	Sansom
Berfield	Glorioso	Mayfield	Simmons
Bilirakis	Goodlette	Mealor	Stargel
Bogdanoff	Grimsley	Murzin	Traviesa
Bowen	Harrell	Needelman	Troutman
Brown	Hasner	Negron	Waters
Brummer	Hays	Patterson	Williams
Cannon	Homan	Pickens	Zapata
Carroll	Hukill	Poppell	

Votes after roll call:  
Yeas to Nays—Machek

On motion by Rep. Brummer, the rules were waived and HB 1889 was

read the third time by title. On passage, the vote was:

Session Vote Sequence: 119

Speaker Bense in the Chair.

Yeas—80

Adams	Cretul	Hays	Patterson
Allen	Culp	Homan	Pickens
Altman	Davis, D.	Hukill	Planas
Ambler	Davis, M.	Johnson	Poppell
Anderson	Dean	Jordan	Proctor
Attkisson	Detert	Kottkamp	Reagan
Barreiro	Domino	Kravitz	Rice
Baxley	Evers	Kreegel	Rivera
Bean	Farkas	Kyle	Robaina
Bense	Flores	Legg	Ross
Benson	Galvano	Littlefield	Rubio
Berfield	Garcia	Llorente	Russell
Bilirakis	Gardiner	Lopez-Cantera	Sansom
Bogdanoff	Gibson, H.	Machek	Simmons
Bowen	Glorioso	Mahon	Stargel
Brown	Goldstein	Mayfield	Traviesa
Brummer	Grant	Mealor	Troutman
Cannon	Grimsley	Murzin	Waters
Carroll	Harrell	Needelman	Williams
Clarke	Hasner	Negron	Zapata

Nays—33

Antone	Gelber	McInvale	Slosberg
Ausley	Gibson, A.	Meadows	Smith
Bendross-Mindingall	Gottlieb	Peterman	Sobel
Brandenburg	Greenstein	Porth	Stansel
Bucher	Henriquez	Quinones	Taylor
Bullard	Holloway	Roberson	Vana
Cusack	Jennings	Ryan	
Fields	Justice	Sands	
Gannon	Kendrick	Seiler	

Votes after roll call:  
Yeas—Goodlette  
Nays to Yeas—Quinones

So the bill passed, as amended, and was certified to the Senate after engrossment.

**HB 1891**—A bill to be entitled An act relating to education funding; amending s. 287.055, F.S.; including regional consortium service organizations under provisions relating to procurement and competitive selection of certain professional services; amending s. 1001.451, F.S.; revising provisions for award of incentive grants to regional consortium service organizations; amending 1001.453, F.S.; revising definition of direct-support organization to include a regional consortium service organization direct-support organization; authorizing use of property and requiring rules; providing for approval of a board of directors and requiring audits; amending ss. 1009.50, 1009.51, 1009.52, and 1009.89, F.S.; authorizing funds appropriated for Florida public student assistance grants, Florida private student assistance grants, Florida postsecondary student assistance grants, and William L. Boyd, IV, Florida resident access grants to be deposited in the State Student Financial Assistance Trust Fund; amending ss. 1010.09 and 1010.34, F.S.; conforming provisions relating to direct-support organizations and audits thereof; amending s. 1010.72, F.S.; authorizing funds to be credited to the Dale Hickam Excellent Teaching Program Trust Fund; amending s. 1011.62,

F.S., relating to funds for operation of schools; providing for a transition sparsity supplement under certain circumstances; revising provisions relating to the manner in which each school district's allocation of sparsity supplement funds shall be adjusted; amending s. 1011.765, F.S.; providing that the Florida Academic Improvement Trust Fund shall be utilized to provide matching grants to regional consortium service organization education foundations; amending s. 1011.94, F.S.; authorizing funds to be deposited in the Trust Fund for University Major Gifts; amending s. 1013.79, F.S.; authorizing the appropriation of funds to be transferred to the Alec P. Courtelis Capital Facilities Matching Trust Fund; providing an effective date.

—was read the second time by title.

Representative(s) Pickens offered the following:

(Amendment Bar Code: 239307)

**Amendment 1**—Remove line(s) 273 and insert:

calculated by dividing the total potential funds, not including Florida School Recognition Program funds and

Rep. Pickens moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**HB 1893**—A bill to be entitled An act relating to health care; amending s. 400.23, F.S.; delaying a nursing home staffing increase; amending s. 409.903, F.S.; deleting a provision eliminating eligibility for Medicaid services for certain women; amending s. 409.904, F.S.; providing for the Agency for Health Care Administration to pay for medical assistance for certain Medicaid-eligible persons; deleting a limitation on eligibility for coverage under the medically needy program; amending s. 409.906, F.S.; deleting a repeal of a provision that provides adult denture services; repealing s. 409.9065, F.S., relating to pharmaceutical expense assistance; amending s. 409.908, F.S.; providing for reimbursement of Medicaid providers pursuant to published methodologies; revising provisions relating to the long-term care reimbursement and cost reporting system; revising provisions relating to the Medicaid maximum allowable fee for certain pharmacies; amending s. 409.912, F.S.; revising components of the Medicaid prescribed-drug spending-control program; authorizing the agency to implement a program of all-inclusive care for certain children; amending s. 409.9122, F.S.; deleting assignment requirement for recipients in areas with capitated behavioral health services; amending s. 409.9124, F.S.; requiring the agency to develop managed care rates for children of specified ages and to amend the methodology for reimbursing managed care plans to comply therewith; limiting the amount of reimbursement; providing effective dates.

—was read the second time by title.

Representative(s) Cusack offered the following:

(Amendment Bar Code: 354003)

**Amendment 1 (with title amendment)**—Remove line(s) 33-73

Remove line(s) 2 and 3 and insert:

An act relating to health care; amending s.

Rep. Cusack moved the adoption of the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 120

Speaker Bense in the Chair.

Yeas—33

Antone	Gelber	Machek	Slosberg
Ausley	Gibson, A.	McInvale	Smith
Bendross-Mindingall	Gottlieb	Meadows	Sobel
Brandenburg	Greenstein	Peterman	Stansel
Bucher	Henriquez	Porth	Taylor
Bullard	Holloway	Roberson	Vana
Cusack	Jennings	Ryan	
Fields	Justice	Sands	
Gannon	Kendrick	Seiler	

Nays—80

Adams	Culp	Hays	Pickens
Allen	Davis, D.	Homan	Planas
Altman	Davis, M.	Hukill	Poppell
Ambler	Dean	Johnson	Proctor
Anderson	Detert	Jordan	Quinones
Barreiro	Domino	Kottkamp	Reagan
Baxley	Evers	Kravitz	Rice
Bean	Farkas	Kreegel	Rivera
Bense	Flores	Kyle	Robaina
Benson	Galvano	Legg	Ross
Berfield	Garcia	Littlefield	Rubio
Bilirakis	Gardiner	Llorente	Russell
Bogdanoff	Gibson, H.	Lopez-Cantera	Sansom
Bowen	Glorioso	Mahon	Simmons
Brown	Goldstein	Mayfield	Stargel
Brummer	Goodlette	Mealor	Traviesa
Cannon	Grant	Murzin	Troutman
Carroll	Grimsley	Needelman	Waters
Clarke	Harrell	Negron	Williams
Cretul	Hasner	Patterson	Zapata

Representative(s) Vana offered the following:

(Amendment Bar Code: 226883)

**Amendment 2 (with title amendment)**—Between line(s) 73 and 74, insert:

Section 2. Subsections (2) and (5) of section 409.814, Florida Statutes, are amended to read:

409.814 Eligibility.--A child who has not reached 19 years of age whose family income is equal to or below 200 percent of the federal poverty level is eligible for the Florida KidCare program as provided in this section. For enrollment in the Children's Medical Services Network, a complete application includes the medical or behavioral health screening. If, subsequently, an individual is determined to be ineligible for coverage, he or she must immediately be disenrolled from the respective Florida KidCare program component.

(2) A child who is not eligible for Medicaid, but who is eligible for the Florida KidCare program, may obtain health benefits coverage under any of the other components listed in s. 409.813 if such coverage is approved and available in the county in which the child resides. However, a child who is eligible for Medikids, including those eligible under subsection (5), may participate in the Florida Healthy Kids program only if the child has a sibling participating in the Florida Healthy Kids program and the child's county of residence permits such enrollment.

(5) A child whose family income is above 200 percent of the federal poverty level or a child who is excluded under the provisions of subsection (4) may apply for coverage and shall be allowed to participate

in the Florida KidCare program, excluding the Medicaid program, but is subject to the following provisions:

(a) The family is not eligible for premium assistance payments and must pay the full cost of the premium, including any administrative costs.

(b) The agency is authorized to place limits on enrollment in Medikids by these children in order to avoid adverse selection. The number of children participating in Medikids whose family income exceeds 200 percent of the federal poverty level must not exceed 10 percent of total enrollees in the Medikids program.

(c) The board of directors of the Florida Healthy Kids Corporation is authorized to place limits on enrollment of these children in order to avoid adverse selection. In addition, the board is authorized to offer a reduced benefit package to these children in order to limit program costs for such families. The number of children participating in the Florida Healthy Kids program whose family income exceeds 200 percent of the federal poverty level must not exceed 10 percent of total enrollees in the Florida Healthy Kids program.

(d) Children described in this subsection are not counted in the annual enrollment ceiling for the Florida KidCare program.

Remove line(s) 3 and insert:  
delaying a nursing home staffing increase; amending s. 409.814, F.S.; granting more children access to the Florida KidCare program; amending s.

Rep. Vana moved the adoption of the amendment, which was adopted.

Representative(s) Homan offered the following:

(Amendment Bar Code: 430313)

**Amendment 3 (with directory and title amendments)**—Remove lines 176-701 and insert:

to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. If a provider is reimbursed based on cost reporting and submits a cost report late and that cost report would have been used to set a lower reimbursement rate for a rate semester, then the provider's rate for that semester shall be retroactively calculated using the new cost report, and full payment at the recalculated rate shall be effected retroactively. Medicare-granted extensions for filing cost reports, if applicable, shall also apply to Medicaid cost reports. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(2)

(b) Subject to any limitations or directions provided for in the General Appropriations Act, the agency shall establish and implement a Florida Title XIX Long-Term Care Reimbursement Plan (Medicaid) for nursing home care in order to provide care and services in conformance with the applicable state and federal laws, rules, regulations, and quality and safety standards and to ensure that individuals eligible for medical assistance have reasonable geographic access to such care.

1. Changes of ownership or of licensed operator do not qualify for increases in reimbursement rates associated with the change of ownership or of licensed operator. The agency shall amend the Title XIX Long Term

Care Reimbursement Plan to provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with related and unrelated party changes of ownership or licensed operator filed on or after September 1, 2001, are equivalent to the previous owner's reimbursement rate.

2. The agency shall amend the long-term care reimbursement plan and cost reporting system to create direct care and indirect care subcomponents of the patient care component of the per diem rate. These two subcomponents together shall equal the patient care component of the per diem rate. Separate cost-based ceilings shall be calculated for each patient care subcomponent. The direct care and indirect care subcomponents ~~subcomponent~~ of the per diem rate ~~shall be limited by the cost-based class ceiling, and the indirect care subcomponent shall be limited by the lower of a the cost-based class ceiling, a by the target rate class ceiling, or an by the individual provider target for each subcomponent.~~ The agency shall adjust the patient care component effective January 1, 2002. The cost to adjust the direct care subcomponent shall be the net of the total funds previously allocated for the case mix add-on. ~~The agency shall make the required changes to the nursing home cost reporting forms to implement this requirement effective January 1, 2002.~~

3. The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, and certified nursing assistants who deliver care directly to residents in the nursing home facility. This excludes nursing administration, MDS, and care plan coordinators, staff development, and staffing coordinator.

4. All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate. There shall be no costs directly or indirectly allocated to the direct care subcomponent from a home office or management company.

5. On July 1 of each year, the agency shall report to the Legislature direct and indirect care costs, including average direct and indirect care costs per resident per facility and direct care and indirect care salaries and benefits per category of staff member per facility.

6. In order to offset the cost of general and professional liability insurance, the agency shall amend the plan to allow for interim rate adjustments to reflect increases in the cost of general or professional liability insurance for nursing homes. This provision shall be implemented to the extent existing appropriations are available.

It is the intent of the Legislature that the reimbursement plan achieve the goal of providing access to health care for nursing home residents who require large amounts of care while encouraging diversion services as an alternative to nursing home care for residents who can be served within the community. The agency shall base the establishment of any maximum rate of payment, whether overall or component, on the available moneys as provided for in the General Appropriations Act. The agency may base the maximum rate of payment on the results of scientifically valid analysis and conclusions derived from objective statistical data pertinent to the particular maximum rate of payment.

(14) A provider of prescribed drugs shall be reimbursed the least of the amount billed by the provider, the provider's usual and customary charge, or the Medicaid maximum allowable fee established by the agency, plus a dispensing fee.

(a) For pharmacies with less than \$75,000 in average aggregate monthly payments, the Medicaid maximum allowable fee for ingredient cost will be based on the lower of: average wholesale price (AWP) minus 15.4 percent, wholesaler acquisition cost (WAC) plus 5.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.

(b) For pharmacies with \$75,000 or more in average aggregate monthly payments, the Medicaid maximum allowable fee for ingredient cost will be based on the lower of: average wholesale price (AWP) minus 17 percent, wholesaler acquisition cost (WAC) plus 3.5 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or

the usual and customary (UAC) charge billed by the provider.

(c) Medicaid providers are required to dispense generic drugs if available at lower cost and the agency has not determined that the branded product is more cost-effective, unless the prescriber has requested and received approval to require the branded product. The agency is directed to implement a variable dispensing fee for payments for prescribed medicines while ensuring continued access for Medicaid recipients. The variable dispensing fee may be based upon, but not limited to, either or both the volume of prescriptions dispensed by a specific pharmacy provider, the volume of prescriptions dispensed to an individual recipient, and dispensing of preferred-drug-list products. The agency may increase the pharmacy dispensing fee authorized by statute and in the annual General Appropriations Act by \$0.50 for the dispensing of a Medicaid preferred-drug-list product and reduce the pharmacy dispensing fee by \$0.50 for the dispensing of a Medicaid product that is not included on the preferred drug list. The agency may establish a supplemental pharmaceutical dispensing fee to be paid to providers returning unused unit-dose packaged medications to stock and crediting the Medicaid program for the ingredient cost of those medications if the ingredient costs to be credited exceed the value of the supplemental dispensing fee. The agency is authorized to limit reimbursement for prescribed medicine in order to comply with any limitations or directions provided for in the General Appropriations Act, which may include implementing a prospective or concurrent utilization review program.

Remove line 171 and insert:

Section 6. Paragraph (b) of subsection (2) and subsection (14) of section 409.908, Florida Statutes, are amended

Remove lines 14 and 15 and insert:

F.S.; revising provisions

Rep. Homan moved the adoption of the amendment, which was adopted.

Rep. Brummer moved that the rules be waived and a late-filed amendment be allowed for consideration, which was not agreed to by the required two-thirds vote.

Representative(s) Goldstein offered the following:

(Amendment Bar Code: 607415)

**Amendment 4 (with directory and title amendments)**—Between lines 994 and 995, insert:

(51) The agency shall work with the Agency for Persons with Disabilities to develop a home and community-based waiver program to provide personal care assistance, respite, and applied behavioral analysis for children who are diagnosed with Autism Spectrum Disorder. The agency shall seek federal waiver approval and implement the approved waiver subject to a specific appropriation and limitations in the General Appropriations Act. The agency may adopt rules to implement this waiver program.

Remove line(s) 703 and insert:  
409.912, Florida Statutes, is amended, and subsections (50) and (51) are

Remove line 22 and insert:  
inclusive care for certain children; requiring a home and community-based waiver for children with Autism Spectrum Disorder; authorizing the agency to adopt rules; amending s. 409.9122,

Rep. Goldstein moved the adoption of the amendment. Subsequently, **Amendment 4** was withdrawn.

Representative(s) Garcia offered the following:

(Amendment Bar Code: 020041)

**Amendment 5 (with directory and title amendments)**—Between lines 994 and 995, insert:

(51) By July 1, 2005, the agency shall develop a plan for implementing the delivery of comprehensive vision care services to Medicaid recipients through a capitated prepaid arrangement. The plan shall include contracting with a private entity or entities to provide for the comprehensive vision care services through a capitated prepaid arrangement. However, the entity must:

(a) Be licensed under chapter 627.

(b) Have sufficient financial resources.

(c) Have a contracted provider network that has statewide coverage.

(d) Have experience in providing medical and surgical vision care services.

(e) Have experience with the implementation of large statewide contracts. As used in this section, the term "vision care services" means covered vision services, including routine, medical, and surgical vision care services that are available to Medicaid recipients. If necessary, the agency shall seek federal approval to contract with a single entity meeting these requirements to provide vision care services to all Medicaid recipients. The entity must offer sufficient choice of providers within its network to ensure access to care for the recipient and the opportunity to select a provider with whom the recipient is satisfied.

Remove line 703 and insert:  
409.912, Florida Statutes, is amended, and subsections (50) and (51) are

Remove line 22 and insert:  
inclusive care for certain children; requiring a plan for comprehensive vision care services; amending s. 409.9122,

Rep. Garcia moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**HB 1895**—A bill to be entitled An act relating to economic eligibility services; amending s. 409.2564, F.S.; correcting a cross reference; amending s. 414.065, F.S.; aligning food stamp sanctions with federal penalties; deleting provisions relating to continuation of temporary cash assistance for children through protective payees; amending s. 414.095, F.S.; clarifying eligibility for temporary cash assistance for teen parents; deleting additional eligibility options relating to families containing a stepparent; correcting cross references; amending s. 414.105, F.S.; aligning time limitations for temporary cash assistance with federal requirements; deleting provisions relating to review panels; amending s. 414.32, F.S.; deleting food stamp sanctions for persons who are delinquent on child support payments; amending s. 445.048, F.S.; correcting a cross reference; repealing s. 114 of ch. 2004-267, Laws of Florida, relating to the Economic Self-Sufficiency Services program eligibility determination functions; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**HB 1897**—A bill to be entitled An act relating to the regulation of health care professionals; amending s. 456.013, F.S.; deleting the requirement that the Department of Health issue wall certificates; requiring licensees with licenses issued in error to surrender certain documents to the department; amending s. 456.017, F.S.; specifying that a state-developed test is not permitted if a national examination has been certified by the department; clarifying the limitation on who may

challenge the validity of an examination; permitting the department to post examination scores on the Internet; amending s. 456.025, F.S.; deleting an obsolete provision; amending s. 456.036, F.S.; providing for a retired license status and providing a fee for such status; authorizing the department to reexamine certain licensees under certain circumstances; providing requirements for retired status licensees to reactivate their licenses; amending s. 464.201, F.S.; defining "practice of a certified nursing assistant"; amending s. 464.202, F.S.; requiring the Board of Nursing to adopt rules to specify the scope of practice for certified nursing assistants; amending s. 464.203, F.S.; providing for the renewal of nursing assistant certification; providing for a fee; reducing the hours of inservice training required of certified nursing assistants; requiring certification as a nursing assistant to be renewed and authorizing a fee for such renewal; requiring the department to adopt rules regarding such renewal; providing that certificates not renewed by a specified date are void; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**HB 1899**—A bill to be entitled An act relating to corrections; amending s. 20.315, F.S.; abolishing the Florida Corrections Commission; amending s. 944.8041, F.S.; conforming references; requiring the annual report on elderly offenders within the correctional system to be submitted to the Governor in addition to the Legislature; amending s. 946.40, F.S.; permitting political subdivisions to reimburse the Department of Corrections for certain services of inmates and personnel of the department; amending s. 957.04, F.S.; revising requirements for contracts for the operation of private correctional facilities; conforming references; amending s. 957.07, F.S.; providing for the Prison Per-Diem Workgroup to develop certain rates on an as-needed basis; amending s. 957.12, F.S.; revising provisions relating to prohibitions on contact with respect to a request for proposals for a private correctional facility; providing an effective date.

—was read the second time by title.

Representative Needelman offered the following:

(Amendment Bar Code: 721889)

**Amendment 1 (with title amendment)**—Remove line 247 and insert:

Section 7. Subsection (10) of section 20.315, Florida Statutes, is amended to read:

20.315 Department of Corrections.--There is created a Department of Corrections.

(10) FORM OF COMMITMENT; NOTICE OF PAROLE VIOLATION.--All commitments shall state the statutory authority therefor. The Secretary of Corrections shall have the authority to prescribe the form to be used for commitments. Nothing in this act shall be construed to abridge the authority and responsibility of a regional parole board ~~Commission~~ with respect to the granting and revocation of parole. The Department of Corrections shall notify the original sentencing court ~~Parole Commission~~ of all violations of parole conditions and provide reports connected thereto as may be requested by the court ~~commission~~. The court ~~commission~~ shall have the authority to issue orders dealing with supervision of specific parolees, and such orders shall be binding on all parties.

Section 8. Section 20.32, Florida Statutes, is amended to read:

20.32 Regional parole boards ~~Parole Commission~~.--

(1) There is hereby established a regional parole board of no less than three or more than seven members in each of the regions of the Department of Corrections. The Governor shall appoint members to serve on the regional parole boards as provided by s. 947.02. The regional parole boards shall be administratively housed within the Office of the Attorney General, which shall provide administrative and staff support to

the boards ~~The Parole and Probation Commission, authorized by s. 8(e), Art. IV, State Constitution of 1968, is continued and renamed the Parole Commission. The commission retains its powers, duties, and functions with respect to the granting and revoking of parole and shall exercise powers, duties, and functions relating to investigations of applications for clemency as directed by the Governor and the Cabinet.~~

(2) The powers and duties of the regional parole boards shall be to conduct parole hearings, to grant or deny parole to parole-eligible inmates, to set any special conditions for parole, and such other duties as may be prescribed by law. No fewer than three members must participate in hearings to grant or deny parole or to set any special conditions for parole. It shall require a majority vote of members participating in a proceeding to grant or deny parole or set any special conditions for parole. All powers, duties, and functions relating to the appointment of the Parole Commission as provided in s. 947.02 or s. 947.021 shall be exercised and performed by the Governor and the Cabinet. Except as provided in s. 947.021, each appointment shall be made from among the first three eligible persons on the list of the persons eligible for said position.

(3) The Attorney General shall assign parole-eligible inmates to the jurisdiction of a regional board based on the location of the most serious offense that resulted in the offender's incarceration. The Attorney General may, however, assign an inmate to a different parole board than for the location where the most serious offense occurred if necessary to facilitate attendance of a victim or to facilitate the convenience of the parole board volunteer members in cases in which the inmate is physically located outside the region in which the crime occurred. Parole hearings may be held by video teleconference. An accurate record of all proceedings conducted by video teleconference must be maintained by the Office of the Attorney General. The commission may require any employee of the commission to give a bond for the faithful performance of his or her duties. The commission may determine the amount of the bond and must approve the bond. In determining the amount of the bond, the commission may consider the amount of money or property likely to be in custody of the officer or employee at any one time. The premiums for the bonds must be paid out of the funds of the commission.

Section 9. Subsection (1) of section 23.21, Florida Statutes, is amended to read:

23.21 Definitions.--For purposes of this part:

(1) "Department" means a principal administrative unit within the executive branch of state government, as defined in chapter 20, and includes the State Board of Administration, the Executive Office of the Governor, the Fish and Wildlife Conservation Commission, ~~the Parole Commission~~, the Agency for Health Care Administration, the Board of Regents, the State Board of Community Colleges, the Justice Administrative Commission, the Capital Collateral Representative, and separate budget entities placed for administrative purposes within a department.

Section 10. Paragraph (b) of subsection (2) of section 112.011, Florida Statutes, is amended to read:

112.011 Felons; removal of disqualifications for employment, exceptions.--

(2)

(b) This section shall not be applicable to the employment practices of any fire department relating to the hiring of firefighters. An applicant for employment with any fire department with a prior felony conviction shall be excluded from employment for a period of 4 years after expiration of sentence or final release by the Parole Commission or a regional parole board unless the applicant, prior to the expiration of the 4-year period, has received a full pardon or has had his or her civil rights restored.

Section 11. Subsection (1) of section 186.005, Florida Statutes, is amended to read:

186.005 Designation of departmental planning officer.--

(1) The head of each executive department and the Public Service Commission, the Fish and Wildlife Conservation Commission, ~~the Parole Commission~~, and the Department of Military Affairs shall select from within such agency a person to be designated as the planning officer for

such agency. The planning officer shall be responsible for coordinating with the Executive Office of the Governor and with the planning officers of other agencies all activities and responsibilities of such agency relating to planning.

Section 12. Subsection (3) of section 255.502, Florida Statutes, is amended to read:

255.502 Definitions; ss. 255.501-255.525.--As used in this act, the following words and terms shall have the following meanings unless the context otherwise requires:

(3) "Agency" means any department created by chapter 20, the Executive Office of the Governor, the Fish and Wildlife Conservation Commission, ~~the Parole Commission~~, the State Board of Administration, the Department of Military Affairs, or the Legislative Branch or the Judicial Branch of state government.

Section 13. Paragraph (c) of subsection (1) of section 322.16, Florida Statutes, is amended to read:

322.16 License restrictions.--

(1)

(c) The department may further, at any time, impose other restrictions on the use of the license with respect to time and purpose of use or may impose any other condition or restriction upon recommendation of any court, of the Parole Commission or a regional parole board, or of the Department of Corrections with respect to any individual who is under the jurisdiction, supervision, or control of the entity that made the recommendation.

Section 14. Subsection (2) of section 394.926, Florida Statutes, is amended to read:

394.926 Notice to victims of release of persons committed as sexually violent predators; notice to certain agencies ~~Department of Corrections and Parole Commission~~.--

(2) If a sexually violent predator who has an active or pending term of probation, community control, parole, conditional release, or other court-ordered or postprison release supervision is released from custody, the department must immediately notify the Department of Corrections' Office of Community Corrections in Tallahassee. The regional parole board with jurisdiction ~~Parole Commission~~ must also be immediately notified of any releases of a sexually violent predator who has an active or pending term of parole, ~~conditional release, or other postprison release supervision that is administered by the Parole Commission~~.

Section 15. Subsection (2) of section 394.927, Florida Statutes, is amended to read:

394.927 Escape while in lawful custody; notice to victim; notice to the Department of Corrections and regional parole board ~~Parole Commission~~.--

(2) If a person who is held in custody pursuant to a finding of probable cause or commitment as a sexually violent predator escapes while in custody, the department shall immediately notify the victim in accordance with s. 394.926. The state attorney that filed the petition for civil commitment of the escapee must also be immediately notified by the department. If the escapee has an active or pending term of probation, community control, parole, conditional release, or other court-ordered or postprison release supervision, the department shall also immediately notify the Department of Corrections' Office of Community Corrections in Tallahassee. The regional parole board having jurisdiction over the inmate ~~Parole Commission~~ shall also be immediately notified of an escape if the escapee has an active or pending term of parole, ~~conditional release, or other postprison release supervision that is administered by the Parole Commission~~.

Section 16. Subsection (4) of section 775.089, Florida Statutes, is amended to read:

775.089 Restitution.--

(4) If a defendant is placed on probation or paroled, complete satisfaction of any restitution ordered under this section shall be a condition of such probation or parole. The court may revoke probation, and the regional parole board having jurisdiction over the offender ~~Parole Commission~~ may revoke parole, if the defendant fails to comply with

such order.

Section 17. Subsection (1) and paragraphs (a) and (b) of subsection (2) of section 775.16, Florida Statutes, are amended to read:

775.16 Drug offenses; additional penalties.--In addition to any other penalty provided by law, a person who has been convicted of sale of or trafficking in, or conspiracy to sell or traffic in, a controlled substance under chapter 893, if such offense is a felony, or who has been convicted of an offense under the laws of any state or country which, if committed in this state, would constitute the felony of selling or trafficking in, or conspiracy to sell or traffic in, a controlled substance under chapter 893, is:

(1) Disqualified from applying for employment by any agency of the state, unless:

(a) The person has completed all sentences of imprisonment or supervisory sanctions imposed by the court, by the Parole Commission or a regional parole board, or by law; or

(b) The person has complied with the conditions of subparagraphs 1. and 2. which shall be monitored by the Department of Corrections while the person is under any supervisory sanctions. The person under supervision may:

1. Seek evaluation and enrollment in, and once enrolled maintain enrollment in until completion, a drug treatment and rehabilitation program which is approved by the Department of Children and Family Services, unless it is deemed by the program that the person does not have a substance abuse problem. The treatment and rehabilitation program may be specified by:

a. The court, in the case of court-ordered supervisory sanctions;

b. The regional parole board having jurisdiction over the offender ~~Parole Commission~~, in the case of parole, ~~control release, or conditional release~~; or

c. The Department of Corrections, in the case of imprisonment, conditional release, control release, or any other supervision required by law.

2. Submit to periodic urine drug testing pursuant to procedures prescribed by the Department of Corrections. If the person is indigent, the costs shall be paid by the Department of Corrections.

(2) Disqualified from applying for a license, permit, or certificate required by any agency of the state to practice, pursue, or engage in any occupation, trade, vocation, profession, or business, unless:

(a) The person has completed all sentences of imprisonment or supervisory sanctions imposed by the court, by the Parole Commission or a regional parole board, or by law;

(b) The person has complied with the conditions of subparagraphs 1. and 2. which shall be monitored by the Department of Corrections while the person is under any supervisory sanction. If the person fails to comply with provisions of these subparagraphs by either failing to maintain treatment or by testing positive for drug use, the department shall notify the licensing, permitting, or certifying agency, which may refuse to reissue or reinstate such license, permit, or certification. The licensee, permittee, or certificateholder under supervision may:

1. Seek evaluation and enrollment in, and once enrolled maintain enrollment in until completion, a drug treatment and rehabilitation program which is approved or regulated by the Department of Children and Family Services, unless it is deemed by the program that the person does not have a substance abuse problem. The treatment and rehabilitation program may be specified by:

a. The court, in the case of court-ordered supervisory sanctions;

b. The regional parole board having jurisdiction over the offender ~~Parole Commission~~, in the case of parole, ~~control release, or conditional release~~; or

c. The Department of Corrections, in the case of imprisonment, conditional release, control release, or any other supervision required by law.

2. Submit to periodic urine drug testing pursuant to procedures prescribed by the Department of Corrections. If the person is indigent, the costs shall be paid by the Department of Corrections; or



The provisions of this section do not apply to any of the taxes, fees, or permits regulated, controlled, or administered by the Department of Revenue in accordance with the provisions of s. 213.05.

Section 18. Paragraph (a) of subsection (1) of section 784.07, Florida Statutes, is amended to read:

784.07 Assault or battery of law enforcement officers, firefighters, emergency medical care providers, public transit employees or agents, or other specified officers; reclassification of offenses; minimum sentences.--

(1) As used in this section, the term:

(a) "Law enforcement officer" includes a law enforcement officer, a correctional officer, a correctional probation officer, a part-time law enforcement officer, a part-time correctional officer, an auxiliary law enforcement officer, and an auxiliary correctional officer, as those terms are respectively defined in s. 943.10, and any county probation officer; employee or agent of the Department of Corrections who supervises or provides services to inmates; officer or member of a regional parole board ~~the Parole Commission~~; and law enforcement personnel of the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, or the Department of Law Enforcement.

Section 19. Paragraph (b) of subsection (2) of section 784.078, Florida Statutes, is amended to read:

784.078 Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.--

(2)

(b) "Employee" includes any person who is employed by the Attorney General to assist a regional parole board ~~a parole examiner with the Florida Parole Commission~~.

Section 20. Section 843.01, Florida Statutes, is amended to read:

843.01 Resisting officer with violence to his or her person.--Whoever knowingly and willfully resists, obstructs, or opposes any officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); member of a regional parole board ~~the Parole Commission~~ or any administrative aide or supervisor employed by the Attorney General to assist a regional parole board ~~commission~~; parole and probation supervisor; county probation officer; personnel or representative of the Department of Law Enforcement; or other person legally authorized to execute process in the execution of legal process or in the lawful execution of any legal duty, by offering or doing violence to the person of such officer or legally authorized person, commits is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 21. Section 843.02, Florida Statutes, is amended to read:

843.02 Resisting officer without violence to his or her person.--Whoever shall resist, obstruct, or oppose any officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); member of a regional parole board ~~the Parole Commission~~ or any administrative aide or supervisor employed by the Attorney General to assist a regional parole board ~~commission~~; county probation officer; parole and probation supervisor; personnel or representative of the Department of Law Enforcement; or other person legally authorized to execute process in the execution of legal process or in the lawful execution of any legal duty, without offering or doing violence to the person of the officer, commits shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 22. Section 843.08, Florida Statutes, is amended to read:

843.08 Falsely personating an officer, ~~etc.~~--A person who falsely assumes or pretends to be a sheriff, officer of the Florida Highway Patrol, officer of the Fish and Wildlife Conservation Commission, officer of the Department of Environmental Protection, officer of the Department of Transportation, officer of the Department of Corrections, correctional probation officer, deputy sheriff, state attorney or assistant state attorney, statewide prosecutor or assistant statewide prosecutor, state attorney investigator, coroner, police officer, lottery special agent or lottery investigator, beverage enforcement agent, or watchman, or any member of a regional parole board ~~the Parole Commission~~ and any administrative aide or supervisor employed by the Attorney General to assist a regional

parole board ~~commission~~, or any personnel or representative of the Department of Law Enforcement, and takes upon himself or herself to act as such, or to require any other person to aid or assist him or her in a matter pertaining to the duty of any such officer, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084; however, a person who falsely personates any such officer during the course of the commission of a felony commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084; except that if the commission of the felony results in the death or personal injury of another human being, the person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 23. Paragraph (a) of subsection (1) of section 893.11, Florida Statutes, is amended to read:

893.11 Suspension, revocation, and reinstatement of business and professional licenses.--Upon the conviction in any court of competent jurisdiction of any person holding a license, permit, or certificate issued by a state agency, for sale of, or trafficking in, a controlled substance or for conspiracy to sell, or traffic in, a controlled substance, if such offense is a felony, the clerk of said court shall send a certified copy of the judgment of conviction with the person's license number, permit number, or certificate number on the face of such certified copy to the agency head by whom the convicted defendant has received a license, permit, or certificate to practice his or her profession or to carry on his or her business. Such agency head shall suspend or revoke the license, permit, or certificate of the convicted defendant to practice his or her profession or to carry on his or her business. Upon a showing by any such convicted defendant whose license, permit, or certificate has been suspended or revoked pursuant to this section that his or her civil rights have been restored or upon a showing that the convicted defendant meets the following criteria, the agency head may reinstate or reactivate such license, permit, or certificate when:

(1) The person has complied with the conditions of paragraphs (a) and (b) which shall be monitored by the Department of Corrections while the person is under any supervisory sanction. If the person fails to comply with provisions of these paragraphs by either failing to maintain treatment or by testing positive for drug use, the department shall notify the licensing, permitting, or certifying agency, which shall revoke the license, permit, or certification. The person under supervision may:

(a) Seek evaluation and enrollment in, and once enrolled maintain enrollment in until completion, a drug treatment and rehabilitation program which is approved or regulated by the Department of Children and Family Services. The treatment and rehabilitation program shall be specified by:

1. The court, in the case of court-ordered supervisory sanctions;
2. The regional parole board having oversight of the parolee ~~Parole Commission~~, in the case of parole, ~~control release, or conditional release~~; or
3. The Department of Corrections, in the case of imprisonment, conditional release, or any other supervision required by law.

This section does not apply to any of the taxes, fees, or permits regulated, controlled, or administered by the Department of Revenue in accordance with s. 213.05.

Section 24. Subsection (9) of section 921.001, Florida Statutes, is amended to read:

921.001 Sentencing Commission and sentencing guidelines generally.--

(9)~~(a)~~ The Sentencing Commission and the office of the State Courts Administrator shall conduct ongoing research on the impact of the sentencing guidelines, the use of imprisonment and alternatives to imprisonment, and plea bargaining. The commission, with the aid of the office of the State Courts Administrator, and the Department of Corrections, ~~and the Parole Commission~~, shall estimate the impact of any proposed changes to the sentencing guidelines on future rates of incarceration and levels of prison population, based in part on historical

data of sentencing practices which have been accumulated by the office of the State Courts Administrator and on Department of Corrections records reflecting average time served for offenses covered by the proposed changes to the guidelines. The commission shall review the projections of impact and shall make them available to other appropriate agencies of state government, including the Legislature, by October 1 of each year.

~~(b) On or after January 1, 1994, any legislation which:~~

- ~~1. Creates a felony offense;~~
- ~~2. Enhances a misdemeanor offense to a felony offense;~~
- ~~3. Moves a felony offense from a lesser offense severity level to a higher offense severity level in the offense severity ranking chart in s. 921.0012; or~~
- ~~4. Reclassifies an existing felony offense to a greater felony classification~~

~~must provide that such a change result in a net zero sum impact in the overall prison population, as determined by the Criminal Justice Estimating Conference, unless the legislation contains a funding source sufficient in its base or rate to accommodate such change or a provision which specifically abrogates the application of this paragraph.~~

Section 25. Subsection (2) of section 921.16, Florida Statutes, is amended to read:

921.16 When sentences to be concurrent and when consecutive.--

(2) A county court or circuit court of this state may direct that the sentence imposed by such court be served concurrently with a sentence imposed by a court of another state or of the United States or, for purposes of this section, concurrently with a sentence to be imposed in another jurisdiction. In such case, the Department of Corrections may designate the correctional institution of the other jurisdiction as the place for reception and confinement of such person and may also designate the place in Florida for reception and confinement of such person in the event that confinement in the other jurisdiction terminates before the expiration of the Florida sentence. The sheriff shall forward commitment papers and other documents specified in s. 944.17 to the department. Upon imposing such a sentence, the court shall notify the Office of the Attorney General which shall notify the appropriate regional parole board ~~Parole Commission~~ as to the jurisdiction in which the sentence is to be served. Any prisoner so released to another jurisdiction shall be eligible for consideration for parole by the appropriate regional parole board ~~Parole Commission~~ pursuant to the provisions of chapter 947, except that the Office of the Attorney General ~~commission~~ shall assist the appropriate regional parole board in determining ~~determine~~ the presumptive parole release date and the effective parole release date by requesting such person's file from the receiving jurisdiction. Upon receiving such records, the Office of the Attorney General ~~commission~~ shall determine these release dates based on the relevant information in that file and shall give credit toward reduction of the Florida sentence for gain-time granted by the jurisdiction where the inmate is serving the sentence. The regional parole board ~~Parole Commission~~ may concur in ~~with~~ the parole release decision of the jurisdiction granting parole and accepting supervision.

Section 26. Section 921.20, Florida Statutes, is amended to read:

921.20 Classification summary; regional parole boards ~~Parole Commission~~.--As soon as possible after a prisoner has been placed in the custody of the Department of Corrections, the classification board shall furnish a classification summary to the Office of the Attorney General ~~for use by the regional parole board ~~Parole Commission~~ ~~for use~~ as provided in s. 20.32 947.14. The summary shall include the criminal, personal, social, and environmental background and other relevant factors considered in classifying the prisoner for a penal environment best suited for the prisoner's rapid rehabilitation.~~

Section 27. Section 921.21, Florida Statutes, is amended to read:

921.21 Progress reports to regional parole boards ~~Parole Commission~~.--From time to time the Department of Corrections shall submit to the Attorney General ~~for use by the regional parole board ~~Parole Commission~~ progress reports and recommendations regarding~~

prisoners sentenced under s. 921.18. When the classification board of the Department of Corrections determines that justice and the public welfare will best be served by paroling or discharging a prisoner, it shall transmit its finding to the Office of the Attorney General which shall forward such findings to the appropriate regional parole board ~~Parole Commission~~. The regional parole board ~~commission~~ shall have the authority to place the prisoner on parole as provided by law or give the prisoner a full discharge from custody. The period of a parole granted by the a regional parole board ~~Parole Commission~~ shall be in its discretion, but the parole period shall not exceed the maximum term for which the prisoner was sentenced.

Section 28. Section 921.22, Florida Statutes, is amended to read:

921.22 Determination of exact period of imprisonment by regional parole board ~~Parole Commission~~.--Upon the recommendation of the Department of Corrections, the regional parole board ~~Parole Commission~~ shall have the authority to determine the exact period of imprisonment to be served by defendants sentenced under the provisions of s. 921.18, but a prisoner shall not be held in custody longer than the maximum sentence provided for the offense.

Section 29. Section 940.03, Florida Statutes, is amended to read:

940.03 Application for executive clemency.--When any person intends to apply for remission of any fine or forfeiture or the commutation of any punishment, or for pardon or restoration of civil rights, he or she shall request an application form from the Executive Office of the Governor ~~Parole Commission~~ in compliance with such rules regarding application for executive clemency as are adopted by the Governor with the approval of two members of the Cabinet. Such application may require the submission of a certified copy of the applicant's indictment or information, the judgment adjudicating the applicant to be guilty, and the sentence, if sentence has been imposed, and may also require the applicant to send a copy of the application to the judge and prosecuting attorney of the court in which the applicant was convicted, notifying them of the applicant's intent to apply for executive clemency. An application for executive clemency for a person who is sentenced to death must be filed within 1 year after the date the Supreme Court issues a mandate on a direct appeal or the United States Supreme Court denies a petition for certiorari, whichever is later.

Section 30. Subsection (3) of section 940.05, Florida Statutes, is amended to read:

940.05 Restoration of civil rights.--Any person who has been convicted of a felony may be entitled to the restoration of all the rights of citizenship enjoyed by him or her prior to conviction if the person has:

(3) Been granted his or her final release by the regional parole board ~~Parole Commission~~ having jurisdiction over the parolee ~~Parole Commission~~.

Section 31. Subsections (2) and (3) of section 941.23, Florida Statutes, are amended to read:

941.23 Application for issuance of requisition; by whom made; contents.--

(2) When the return to this state is required of a person who has been convicted of a crime in this state and has escaped from confinement or broken the terms of his or her bail, probation, or parole, the state attorney of the county in which the offense was committed, the regional parole board ~~Parole Commission~~ having jurisdiction over the parolee ~~Parole Commission~~, the Department of Corrections, or the warden of the institution or sheriff of the county, from which escape was made, shall present to the Governor a written application for a requisition for the return of such person, in which application shall be stated the name of the person, the crime of which the person was convicted, the circumstances of his or her escape from confinement or of the breach of the terms of his or her bail, probation, or parole, and the state in which the person is believed to be, including the location of the person therein at the time application is made.

(3) The application shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the indictment returned or information and affidavit filed or of the complaint made to the judge, stating the offense with which the accused is charged,

or of the judgment of conviction or of the sentence. The prosecuting officer, ~~regional parole board having jurisdiction over the parolee~~ ~~Parole Commission~~, Department of Corrections, warden, or sheriff may also attach such further affidavits and other documents in duplicate as he or she shall deem proper to be submitted with such application. One copy of the application, with the action of the Governor indicated by endorsement thereon, and one of the certified copies of the indictment, complaint, information, and affidavits or of the judgment of conviction or of the sentence shall be filed in the office of the Department of State to remain of record in that office. The other copies of all papers shall be forwarded with the Governor's requisition.

Section 32. Subsection (7) of section 943.0311, Florida Statutes, is amended to read:

943.0311 Chief of Domestic Security Initiatives; duties of the department with respect to domestic security.--

(7) As used in this section, the term "state agency" includes the Agency for Health Care Administration, the Agency for Workforce Innovation, the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, the Department of Children and Family Services, the Department of Citrus, the Department of Community Affairs, the Department of Corrections, the Department of Education, the Department of Elderly Affairs, the Department of Environmental Protection, the Department of Financial Services, the Department of Health, the Department of Highway Safety and Motor Vehicles, the Department of Juvenile Justice, the Department of Law Enforcement, the Department of Legal Affairs, the Department of Management Services, the Department of Military Affairs, the Department of Revenue, the Department of State, the Department of the Lottery, the Department of Transportation, the Department of Veterans' Affairs, the Fish and Wildlife Conservation Commission, ~~the Parole Commission~~, the State Board of Administration, and the Executive Office of the Governor.

Section 33. Subsection (1) of section 943.06, Florida Statutes, is amended to read:

943.06 Criminal and Juvenile Justice Information Systems Council.--There is created a Criminal and Juvenile Justice Information Systems Council within the department.

(1) The council shall be composed of 14 members, consisting of the Attorney General or a designated assistant; the executive director of the Department of Law Enforcement or a designated assistant; the secretary of the Department of Corrections or a designated assistant; ~~the chair of the Parole Commission or a designated assistant~~; the Secretary of Juvenile Justice or a designated assistant; the executive director of the Department of Highway Safety and Motor Vehicles or a designated assistant; the State Courts Administrator or a designated assistant; 1 public defender appointed by the Florida Public Defender Association, Inc.; 1 state attorney appointed by the Florida Prosecuting Attorneys Association, Inc.; and 5 members, to be appointed by the Governor, consisting of 2 sheriffs, 2 police chiefs, and 1 clerk of the circuit court.

Section 34. Section 944.012, Florida Statutes, is amended to read:

944.012 Legislative intent.--The Legislature hereby finds and declares that:

~~(1) Florida spends each year in excess of \$60 million for its state correctional system, but Florida citizens have not received a fair return on that investment. Florida correctional institutions have contributed little to the reduction of crime. To the contrary, crime rates continue to rise; recidivism rates are notoriously high; and large prisons have for the most part become schools for crime, making successful reintegration into the community unlikely.~~

~~(2) It is clear that major changes in correctional methods are required. It is essential to abate the use of large institutions and continue the development of community based corrections; to equip judges with more effective evaluative tools to deal with the criminal offender; and to provide alternatives to institutionalization, including the availability of probationers' residences and community correctional centers.~~

~~(3) One of the chief factors contributing to the high recidivism rate~~

~~in the state is the general inability of ex-offenders to find or keep meaningful employment. Since Although 90 percent of all offenders sent to prison return to society one day, the correctional system should, within available resources, equip the offender has done little to provide the offender with the academic and vocational skills that the offender needs to return to society as a productive citizen. This failure virtually guarantees the probability of return to crime. Vocational training and assistance in job placement must be looked to on a priority basis as an integral part of the process of changing deviant behavior in the institutionalized offender, when such change is determined to be possible.~~

~~(4) These changes must not be made out of sympathy for the criminal or out of disregard of the threat of crime to society. They must be made precisely because that threat is too serious to be countered by ineffective methods.~~

~~(5) In order to make the correctional system an efficient and effective mechanism, the various agencies involved in the correctional process must coordinate their efforts. Where possible, interagency offices should be physically located within major institutions and should include representatives of the Agency for Workforce Innovation Florida State Employment Service, and the vocational rehabilitation programs of the Department of Education, and the Parole Commission. Duplicative and unnecessary methods of evaluating offenders must be eliminated and areas of responsibility consolidated in order to more economically utilize present scarce resources.~~

~~(6) It is the intent of the Legislature:~~

~~(a) To provide a mechanism for the early identification, evaluation, and treatment of behavioral disorders of adult offenders coming into contact with the correctional system.~~

~~(b) To separate dangerous or repeat offenders from nondangerous offenders, who have potential for rehabilitation, and place dangerous offenders in secure and manageable institutions.~~

~~(c) When possible, to divert from expensive institutional commitment those individuals who, by virtue of professional diagnosis and evaluation, can be placed in less costly and more effective environments and programs better suited for their rehabilitation and the protection of society.~~

~~(d) To make available to those offenders who are capable of rehabilitation the job training and job placement assistance they need to build meaningful and productive lives when they return to the community.~~

~~(e) To provide intensive and meaningful supervision for those on probation so that the condition or situation which caused the person to commit the crime is corrected.~~

Section 35. Section 944.02, Florida Statutes, is amended to read:

944.02 Definitions.--The following words and phrases used in this chapter shall, unless the context clearly indicates otherwise, have the following meanings:

~~(1) "Commission" means the Parole Commission.~~

~~(2) "Correctional system" means all prisons and other state correctional institutions now existing or hereafter created under the jurisdiction of the Department of Corrections.~~

~~(3) "Department" means the Department of Corrections.~~

~~(4) "Elderly offender" means a prisoner age 50 or older in a state correctional institution or facility operated by the Department of Corrections or the Department of Management Services.~~

~~(5) "Lease-purchase agreement" means an installment sales contract which requires regular payments with an interest charge included and which provides that the lessee receive title to the property upon final payment.~~

~~(6) "Prisoner" means any person who is under civil or criminal arrest and in the lawful custody of any law enforcement official, or any person committed to or detained in any municipal or county jail or state prison, prison farm, or penitentiary, or to the custody of the department pursuant to lawful authority.~~

~~(7) "Regional parole board" means a regional parole board established pursuant to s. 20.32.~~

(7) "Secretary" means the Secretary of Corrections.

(8) "State correctional institution" means any prison, road camp, prison industry, prison forestry camp, or any prison camp or prison farm or other correctional facility, temporary or permanent, in which prisoners are housed, worked, or maintained, under the custody and jurisdiction of the department.

Section 36. Subsection (5) of section 944.024, Florida Statutes, is amended to read:

944.024 Adult intake and evaluation.--The state system of adult intake and evaluation shall include:

(5) The performance of postsentence intake by the department. Any physical facility established by the department for the intake and evaluation process prior to the offender's entry into the correctional system shall provide for specific office and work areas for the staff ~~assisting any regional parole board of the commission~~. The purpose of such a physical center shall be to combine in one place as many of the rehabilitation-related functions as possible, including pretrial and posttrial evaluation, parole and probation services, vocational rehabilitation services, family assistance services of the Department of Children and Family Services, and all other rehabilitative and correctional services dealing with the offender.

Section 37. Section 944.23, Florida Statutes, is amended to read:

944.23 Persons authorized to visit state prisons.--The following persons shall be authorized to visit at their pleasure all state correctional institutions: The Governor, all Cabinet members, members of the Legislature, judges of state courts, state attorneys, and public defenders; ~~and authorized representatives of the commission~~. No other person not otherwise authorized by law shall be permitted to enter a state correctional institution except under such regulations as the department may prescribe. Permission shall not be unreasonably withheld from those who give sufficient evidence to the department that they are bona fide reporters or writers.

Section 38. Subsection (2) of section 944.291, Florida Statutes, is amended to read:

944.291 Prisoner released by reason of gain-time allowances or attainment of provisional release date.--

(2) Any prisoner who is convicted of a crime committed on or after October 1, 1988, which crime is contained in category 1, category 2, category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida Rules of Criminal Procedure, and who has served at least one prior felony commitment at a state or federal correctional institution, or is sentenced as a habitual or violent habitual offender pursuant to s. 775.084, may only be released under conditional release supervision as described in chapter 947. Not fewer than 90 days prior to the tentative release date or provisional release date, whichever is earlier, the department shall provide the original sentencing court ~~commission~~ with the name and inmate identification number for each eligible inmate.

Section 39. Paragraph (b) of subsection (2) of section 944.4731, Florida Statutes, is amended to read:

944.4731 Addiction-Recovery Supervision Program.--

(2)

(b) An offender released under addiction-recovery supervision shall be subject to specified terms and conditions, including payment of the costs of supervision under s. 948.09 and any other court-ordered payments, such as child support and restitution. If an offender has received a term of probation or community control to be served after release from incarceration, the period of probation or community control may not be substituted for addiction-recovery supervision and shall follow the term of addiction-recovery supervision. The original sentencing court ~~A panel of not fewer than two parole commissioners~~ shall establish the terms and conditions of supervision, and the terms and conditions must be included in the supervision order. In setting the terms and conditions of supervision, the court ~~parole commission~~ shall weigh heavily the program requirements, including, but not limited to, work at paid employment while participating in treatment and traveling restrictions. The court ~~commission~~ shall also determine whether an

offender violates the terms and conditions of supervision and whether a violation warrants revocation of addiction-recovery supervision pursuant to s. 947.141. The court ~~parole commission~~ shall review the offender's record for the purpose of establishing the terms and conditions of supervision. The court ~~parole commission~~ may impose any special conditions it considers warranted from its review of the record. The length of supervision may not exceed the maximum penalty imposed by the court.

Section 40. Paragraph (b) of subsection (1) and paragraph (b) of subsection (6) of section 945.091, Florida Statutes, are amended to read:

945.091 Extension of the limits of confinement; restitution by employed inmates.--

(1) The department may adopt rules permitting the extension of the limits of the place of confinement of an inmate as to whom there is reasonable cause to believe that the inmate will honor his or her trust by authorizing the inmate, under prescribed conditions and following investigation and approval by the secretary, or the secretary's designee, who shall maintain a written record of such action, to leave the confines of that place unaccompanied by a custodial agent for a prescribed period of time to:

(b) Work at paid employment, participate in an education or a training program, or voluntarily serve a public or nonprofit agency or faith-based service group in the community, while continuing as an inmate of the institution or facility in which the inmate is confined, except during the hours of his or her employment, education, training, or service and traveling thereto and therefrom. An inmate may travel to and from his or her place of employment, education, or training only by means of walking, bicycling, or using public transportation or transportation that is provided by a family member or employer. Contingent upon specific appropriations, the department may transport an inmate in a state-owned vehicle if the inmate is unable to obtain other means of travel to his or her place of employment, education, or training.

1. An inmate may participate in paid employment only during the last 36 months of his or her confinement, unless sooner requested by the regional parole board having oversight of the parolee ~~Parole Commission~~ or the Control Release Authority.

2. While working at paid employment and residing in the facility, an inmate may apply for placement at a contracted substance abuse transition housing program. The transition assistance specialist shall inform the inmate of program availability and assess the inmate's need and suitability for transition housing assistance. If an inmate is approved for placement, the specialist shall assist the inmate. If an inmate requests and is approved for placement in a contracted faith-based substance abuse transition housing program, the specialist must consult with the chaplain prior to such placement. The department shall ensure that an inmate's faith orientation, or lack thereof, will not be considered in determining admission to a faith-based program and that the program does not attempt to convert an inmate toward a particular faith or religious preference.

(6)

(b) An offender who is required to provide restitution or reparation may petition the circuit court to amend the amount of restitution or reparation required or to revise the schedule of repayment established by the department, a regional parole board, or the Parole Commission.

Section 41. Paragraph (d) of subsection (1), paragraphs (a) and (b) of subsection (2), and subsection (5) of section 945.10, Florida Statutes, are amended to read:

945.10 Confidential information.--

(1) Except as otherwise provided by law or in this section, the following records and information held by the Department of Corrections are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(d) ~~Parole Commission~~ Records of a regional parole board that ~~which~~ are confidential or exempt from public disclosure by law.

(2) The records and information specified in paragraphs (1)(a)-(h) may be released as follows unless expressly prohibited by federal law:

(a) Information specified in paragraphs (1)(b), (d), and (f) to the

Office of the Governor, the Legislature, a regional parole board ~~the Parole Commission~~, the Department of Children and Family Services, a private correctional facility or program that operates under a contract, the Department of Legal Affairs, a state attorney, the court, or a law enforcement agency. A request for records or information pursuant to this paragraph need not be in writing.

(b) Information specified in paragraphs (1)(c), (e), and (h) to the Office of the Governor, the Legislature, a regional parole board ~~the Parole Commission~~, the Department of Children and Family Services, a private correctional facility or program that operates under contract, the Department of Legal Affairs, a state attorney, the court, or a law enforcement agency. A request for records or information pursuant to this paragraph must be in writing and a statement provided demonstrating a need for the records or information.

Records and information released under this subsection remain confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution when held by the receiving person or entity.

(5) The Department of Corrections and the regional parole board ~~Parole Commission~~ shall mutually cooperate with respect to maintaining the confidentiality of records that are exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Section 42. Subsection (3) of section 945.47, Florida Statutes, is amended to read:

945.47 Discharge of inmate from mental health treatment.--

(3) At any time that an inmate who has received mental health treatment while in the custody of the department becomes eligible for release on parole, a complete record of the inmate's treatment shall be provided to the regional parole board having oversight of the parolee ~~Parole Commission~~ and to the Department of Children and Family Services. The record shall include, at least, the inmate's diagnosis, length of stay in treatment, clinical history, prognosis, prescribed medication, and treatment plan and recommendations for aftercare services. In the event that the inmate is released on parole, the record shall be provided to the parole officer who shall assist the inmate in applying for services from a professional or an agency in the community. The application for treatment and continuation of treatment by the inmate may be made a condition of parole, as provided in s. 947.19(1); and a failure to participate in prescribed treatment may be a basis for initiation of parole violation hearings.

Section 43. Subsection (6) of section 945.73, Florida Statutes, is amended to read:

945.73 Inmate training program operation.--

(6) The department shall work cooperatively with the Control Release Authority, the regional parole board ~~Florida Parole Commission~~, or such other authority as may exist or be established in the future that which ~~that~~ is empowered by law to effect the release of an inmate who has successfully completed the requirements established by ss. 945.71-945.74.

Section 44. Subsections (3), (4), and (5) of section 947.002, Florida Statutes, are amended to read:

947.002 Intent.--

~~(3) The chair shall be the agency head. While the commission is responsible for making decisions on the granting and revoking of parole, the chair shall establish, execute, and be held accountable for all administrative policy decisions. The routine administrative decisions are the full responsibility of the chair.~~

~~(4) Hearing examiners are assigned on the basis of caseload needs as determined by the chair.~~

~~(5)~~ It is the intent of the Legislature that the decision to parole an inmate from the incarceration portion of the inmate's sentence is an act of grace of the state and shall not be considered a right.

Section 45. Subsection (1) of section 947.005, Florida Statutes, is amended to read:

947.005 Definitions.--As used in this chapter, unless the context clearly indicates otherwise:

(1) "Regional parole board" means a regional parole board established pursuant to 20.32 ~~"Commission" means the Parole Commission.~~

Section 46. Subsections (1) through (4) of section 947.02, Florida Statutes, are amended, and subsection (6) is added to said section, read:

947.02 Regional parole boards ~~Parole Commission~~; members, appointment.--

(1) Except as provided in s. 947.021, the members of each regional parole board ~~the Parole Commission~~ shall be appointed by the Governor ~~and Cabinet~~ from a list of eligible applicants submitted by a parole qualifications committee. The appointments of members of the commission shall be certified to the Senate by the Governor ~~and Cabinet~~ for confirmation, and the membership of the commission shall include representation from minority persons as defined in s. 288.703.

(2) A parole qualifications committee shall consist of five persons who are appointed by the Governor ~~and Cabinet~~. One member shall be designated as chair by the Governor ~~and Cabinet~~. The committee shall provide for statewide advertisement throughout the region and the receiving of applications for any position or positions on the commission and shall devise a plan for the determination of the qualifications of the applicants by investigations and comprehensive evaluations, including, but not limited to, investigation and evaluation of the character, habits, and philosophy of each applicant. Each parole qualifications committee shall exist for 2 years. If additional vacancies on a regional parole board ~~the commission~~ occur during this 2-year period, the committee may advertise and accept additional applications; however, all previously submitted applications shall be considered along with the new applications according to the previously established plan for the evaluation of the qualifications of applicants.

(3) Within 90 days before an anticipated vacancy by expiration of term pursuant to s. 947.03 or upon any other vacancy, the Governor ~~and Cabinet~~ shall appoint a parole qualifications committee if one has not been appointed during the previous 2 years. The committee shall consider applications for the board vacancy ~~commission seat~~, including the application of an incumbent board member ~~commissioner~~ if he or she applies, according to the provisions of subsection (2). The committee shall submit a list of three eligible applicants, which may include the incumbent if the committee so decides, without recommendation, to the Governor ~~and Cabinet~~ for appointment to the board ~~commission~~. In the case of an unexpired term, the appointment must be for the remainder of the unexpired term and until a successor is appointed and qualified. If more than one seat is vacant, the committee shall submit a list of eligible applicants, without recommendation, containing a number of names equal to three times the number of vacant seats; however, the names submitted shall not be distinguished by seat, and each submitted applicant shall be considered eligible for each vacancy.

(4) Upon receiving a list of eligible persons from the parole qualifications committee, the Governor ~~and Cabinet~~ may reject the list. If the list is rejected, the committee shall reinstate the application and examination procedure according to the provisions of subsection (2).

(6) Members of the regional parole boards shall be volunteers and shall not receive compensation for their services. They shall, however, receive reimbursement for travel expenses and other expenses incurred in carrying out their official responsibilities.

Section 47. Section 947.021, Florida Statutes, is amended to read:

947.021 Regional parole boards ~~Parole Commission~~; expedited appointments.--Whenever the Legislature decreases the membership of the regional parole boards ~~commission~~, all terms of office shall expire, notwithstanding any law to the contrary. Under such circumstances, the Governor and Cabinet shall expedite the appointment of commissioners. Notwithstanding the parole qualifications committee procedure in s. 947.02, members shall be directly appointed by the Governor and Cabinet. Members appointed to the boards ~~commission~~ may be selected from incumbents. Members shall be certified to the Senate by the Governor and Cabinet for confirmation, and the membership of the commission shall include representation from minority persons as defined in s. 288.703.

Section 48. Subsections (2) through (7) and subsection (9) of section 947.1405, Florida Statutes, are amended to read:

947.1405 Conditional release program.--

(2) Any inmate who:

(a) Is convicted of a crime committed on or after October 1, 1988, and before January 1, 1994, and any inmate who is convicted of a crime committed on or after January 1, 1994, which crime is or was contained in category 1, category 2, category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida Rules of Criminal Procedure (1993), and who has served at least one prior felony commitment at a state or federal correctional institution;

(b) Is sentenced as a habitual or violent habitual offender or a violent career criminal pursuant to s. 775.084; or

(c) Is found to be a sexual predator under s. 775.21 or former s. 775.23,

shall, upon reaching the tentative release date or provisional release date, whichever is earlier, as established by the Department of Corrections, be released under supervision subject to specified terms and conditions, including payment of the cost of supervision pursuant to s. 948.09. Such supervision shall be applicable to all sentences within the overall term of sentences if an inmate's overall term of sentences includes one or more sentences that are eligible for conditional release supervision as provided herein. Effective July 1, 2005 ~~1994~~, and applicable for offenses committed on or after that date, the ~~sentencing court commission~~ may require, as a condition of conditional release, that the releasee make payment of the debt due and owing to a county or municipal detention facility under s. 951.032 for medical care, treatment, hospitalization, or transportation received by the releasee while in that detention facility. The ~~court commission~~, in determining whether to order such repayment and the amount of such repayment, shall consider the amount of the debt, whether there was any fault of the institution for the medical expenses incurred, the financial resources of the releasee, the present and potential future financial needs and earning ability of the releasee, and dependents, and other appropriate factors. ~~If Any inmate placed on conditional release supervision shall be supervised by is also subject to probation or community control, resulting from a probationary or community control split sentence within the overall term of sentences, the Department of Corrections which shall supervise such person according to the conditions imposed by the court and the commission shall defer to such supervision. If the court revokes probation or community control and resentsences the offender to a term of incarceration, such revocation also constitutes a sufficient basis for the revocation of the conditional release supervision on any nonprobationary or noncommunity control sentence without further hearing by the commission. If any such supervision on any nonprobationary or noncommunity control sentence is revoked, such revocation may result in a forfeiture of all gain-time, and the court commission may revoke the resulting deferred conditional release supervision or take other action it considers appropriate. If the term of conditional release supervision exceeds that of the probation or community control, then, upon expiration of the probation or community control, authority for the supervision shall revert to the commission and the supervision shall be subject to the conditions of conditional release imposed by the court commission. The original sentencing court A panel of no fewer than two commissioners shall establish the terms and conditions of conditional release at the time of initial sentencing any such release. The court may alter the original terms of conditional release at any time based on any additional information that may become available. If the offense was a controlled substance violation, the conditions shall include a requirement that the offender submit to random substance abuse testing intermittently throughout the term of conditional release supervision, upon the direction of the correctional probation officer as defined in s. 943.10(3). The court commission shall also determine whether the terms and conditions of such release have been violated and whether such violation warrants revocation of the conditional release.~~

(3) As part of the conditional release process, the ~~court commission~~,

through review and consideration of information provided by the ~~state attorney, victim, and~~ department, shall determine:

(a) The amount of reparation or restitution.

(b) The consequences of the offense as reported by the aggrieved party.

(c) The aggrieved party's fear of the inmate or concerns about the release of the inmate.

(4) The ~~department commission~~ shall provide to the aggrieved party information regarding the manner in which notice of any developments concerning the status of the inmate during the term of conditional release may be requested.

(5) Within 180 days prior to the tentative release date or provisional release date, whichever is earlier, a representative of the department shall review the inmate's program participation, disciplinary record, psychological and medical records, criminal records, and any other information pertinent to the impending release ~~and shall provide this information to the original sentencing court that established the conditions of conditional release. The department shall gather and compile information necessary for the commission to make the determinations set forth in subsection (3). This shall include information developed during A department representative shall conduct a personal interview with the inmate for the purpose of determining the details of the inmate's release plan, including the inmate's planned residence and employment. The department representative shall forward the inmate's release plan to the court commission and recommend any modifications to the original commission the terms and conditions of the conditional release.~~

(6) The ~~court commission~~ shall review the recommendations of the department, and such other information as it deems relevant, and may conduct a review of the inmate's record for the purpose of ~~modifying establishing the original~~ terms and conditions of the conditional release. The ~~court commission~~ may impose any special conditions it considers warranted from its review of the release plan and recommendation. If the ~~court commission~~ determines that the inmate is eligible for release under this section, ~~if the commission~~ shall enter an order establishing the length of supervision and the conditions attendant thereto. However, an inmate who has been convicted of a violation of chapter 794 or found by the court to be a sexual predator is subject to the maximum level of supervision provided, with the mandatory conditions as required in subsection (7), and that supervision shall continue through the end of the releasee's original court-imposed sentence. The length of supervision must not exceed the maximum penalty imposed by the court.

(7)(a) Any inmate who is convicted of a crime committed on or after October 1, 1995, or who has been previously convicted of a crime committed on or after October 1, 1995, in violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, and is subject to conditional release supervision, shall have, in addition to any other conditions imposed, the following special conditions imposed ~~by the commission~~:

1. A mandatory curfew from 10 p.m. to 6 a.m. The ~~court commission~~ may designate another 8-hour period if the offender's employment precludes the above specified time, and such alternative is recommended by the Department of Corrections. If the ~~court commission~~ determines that imposing a curfew would endanger the victim, the commission may consider alternative sanctions.

2. If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, day care center, park, playground, designated public school bus stop, or other place where children regularly congregate. A releasee who is subject to this subparagraph may not relocate to a residence that is within 1,000 feet of a public school bus stop. Beginning October 1, 2004, ~~the commission or the department~~ may not approve a residence that is located within 1,000 feet of a school, day care center, park, playground, designated school bus stop, or other place where children regularly congregate for any releasee who is subject to this subparagraph. On October 1, 2004, the department shall notify each affected school district of the location of the residence of a releasee 30 days prior to release and thereafter, if the releasee relocates to a new

residence, shall notify any affected school district of the residence of the releasee within 30 days after relocation. If, on October 1, 2004, any public school bus stop is located within 1,000 feet of the existing residence of such releasee, the district school board shall relocate that school bus stop. Beginning October 1, 2004, a district school board may not establish or relocate a public school bus stop within 1,000 feet of the residence of a releasee who is subject to this subparagraph. The failure of the district school board to comply with this subparagraph shall not result in a violation of conditional release supervision.

3. Active participation in and successful completion of a sex offender treatment program with therapists specifically trained to treat sex offenders, at the releasee's own expense. If a specially trained therapist is not available within a 50-mile radius of the releasee's residence, the offender shall participate in other appropriate therapy.

4. A prohibition on any contact with the victim, directly or indirectly, including through a third person, unless approved by the victim, the offender's therapist, and the sentencing court.

5. If the victim was under the age of 18, a prohibition against direct contact or association with children under the age of 18 until all of the following conditions are met:

- a. Successful completion of a sex offender treatment program.
- b. The adult person who is legally responsible for the welfare of the child has been advised of the nature of the crime.
- c. Such adult person is present during all contact or association with the child.
- d. Such adult person has been approved by the commission.

6. If the victim was under age 18, a prohibition on working for pay or as a volunteer at any school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the commission.

7. Unless otherwise indicated in the treatment plan provided by the sexual offender treatment program, a prohibition on viewing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs, or computer services that are relevant to the offender's deviant behavior pattern.

8. A requirement that the releasee must submit two specimens of blood to the Florida Department of Law Enforcement to be registered with the DNA database.

9. A requirement that the releasee make restitution to the victim, as determined by the sentencing court or the commission, for all necessary medical and related professional services relating to physical, psychiatric, and psychological care.

10. Submission to a warrantless search by the community control or probation officer of the probationer's or community controllee's person, residence, or vehicle.

(b) For a releasee whose crime was committed on or after October 1, 1997, in violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, and who is subject to conditional release supervision, in addition to any other provision of this subsection, the ~~commission shall impose the~~ following additional conditions of conditional release supervision are hereby imposed:

1. As part of a treatment program, participation in a minimum of one annual polygraph examination to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. The polygraph examination must be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and at the expense of the sex offender. The results of the polygraph examination shall not be used as evidence in a hearing to prove that a violation of supervision has occurred.

2. Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.

3. A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.

4. If there was sexual contact, a submission to, at the probationer's or

community controllee's expense, an HIV test with the results to be released to the victim or the victim's parent or guardian.

5. Electronic monitoring of any form when ordered by the commission.

(9) The ~~department commission~~ shall adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to implement the provisions of the Conditional Release Program Act.

Section 49. Section 947.141, Florida Statutes, is amended to read:

947.141 Violations of conditional release, control release, or conditional medical release or addiction-recovery supervision.--

(1) If ~~a member of the department commission or a duly authorized representative of the commission~~ has reasonable grounds to believe that an offender who is on release supervision under s. 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated the terms and conditions of the release in a material respect, the department such member of representative may cause a warrant to be issued for the arrest of the releasee; if the offender was found to be a sexual predator, the warrant must be issued.

(2) Upon the arrest on a felony charge of an offender who is on release supervision under s. 947.1405, s. 947.146, s. 947.149, or s. 944.4731, the offender must be detained without bond until the initial appearance of the offender at which a judicial determination of probable cause is made. If the trial court judge determines that there was no probable cause for the arrest, the offender may be released. If the trial court judge determines that there was probable cause for the arrest, such determination also constitutes reasonable grounds to believe that the offender violated the conditions of the release. Within 24 hours after the trial court judge's finding of probable cause, the detention facility administrator or designee shall notify the ~~commission and the~~ department of the finding and transmit to each a facsimile copy of the probable cause affidavit or the sworn offense report upon which the trial court judge's probable cause determination is based. The offender must continue to be detained without bond for a period not exceeding 72 hours excluding weekends and holidays after the date of the probable cause determination, pending a decision by the ~~court commission~~ whether to issue a warrant charging the offender with violation of the conditions of release. Upon the issuance of the commission's warrant, the offender must continue to be held in custody pending a revocation hearing held in accordance with this section.

(3) Within 45 days after ~~notice to the Parole Commission~~ of the arrest of a releasee charged with a violation of the terms and conditions of conditional release, control release, conditional medical release, or addiction-recovery supervision, the releasee must be afforded a hearing conducted by a ~~judge commissioner~~ or a duly authorized representative thereof. If the releasee elects to proceed with a hearing, the releasee must be informed orally and in writing of the following:

- (a) The alleged violation with which the releasee is charged.
- (b) The releasee's right to be represented by counsel.
- (c) The releasee's right to be heard in person.
- (d) The releasee's right to secure, present, and compel the attendance of witnesses relevant to the proceeding.
- (e) The releasee's right to produce documents on the releasee's own behalf.
- (f) The releasee's right of access to all evidence used against the releasee and to confront and cross-examine adverse witnesses.
- (g) The releasee's right to waive the hearing.

(4) Within a reasonable time following the hearing, the ~~judge commissioner or the judge's commissioner's~~ duly authorized representative who conducted the hearing shall make findings of fact in regard to the alleged violation. ~~The judge~~ A panel of no fewer than two commissioners shall enter an order determining whether the charge of violation of conditional release, control release, conditional medical release, or addiction-recovery supervision has been sustained based upon his or her the findings of fact or by the findings of the duly presented by the hearing commissioner or authorized representative. By such order, the ~~court panel~~ may revoke conditional release, control release, conditional

medical release, or addiction-recovery supervision and thereby return the releasee to prison to serve the sentence imposed, reinstate the original order granting the release, or enter such other order as it considers proper. Effective for inmates whose offenses were committed on or after July 1, 1995, the ~~court panel~~ may order the placement of a releasee, upon a finding of violation pursuant to this subsection, into a local detention facility as a condition of supervision.

(5) Effective for inmates whose offenses were committed on or after July 1, 1995, notwithstanding the provisions of ss. 775.08, former 921.001, 921.002, 921.187, 921.188, 944.02, and 951.23, or any other law to the contrary, by such order as provided in subsection (4), the ~~court panel~~, upon a finding of guilt, may, as a condition of continued supervision, place the releasee in a local detention facility for a period of incarceration not to exceed 22 months. Prior to the expiration of the term of incarceration, or upon recommendation of the chief correctional officer of that county, the ~~court commission~~ shall cause inquiry into the inmate's release plan and custody status in the detention facility and consider whether to restore the inmate to supervision, modify the conditions of supervision, or enter an order of revocation, thereby causing the return of the inmate to prison to serve the sentence imposed. The provisions of this section do not prohibit the ~~court panel~~ from entering such other order or conducting any investigation that it deems proper. The ~~court commission~~ may only place a person in a local detention facility pursuant to this section if there is a contractual agreement between the chief correctional officer of that county and the Department of Corrections. The agreement must provide for a per diem reimbursement for each person placed under this section, which is payable by the Department of Corrections for the duration of the offender's placement in the facility. This section does not limit the ~~court's commission's~~ ability to place a person in a local detention facility for less than 1 year.

(6) Whenever a conditional release, control release, conditional medical release, or addiction-recovery supervision is revoked as provided by this section by a panel of no fewer than two commissioners and the releasee is ordered to be returned to prison, the releasee, by reason of the misconduct, shall be deemed to have forfeited all gain-time or commutation of time for good conduct, as provided for by law, earned up to the date of release. However, if a conditional medical release is revoked due to the improved medical or physical condition of the releasee, the releasee shall not forfeit gain-time accrued before the date of conditional medical release. This subsection does not deprive the prisoner of the right to gain-time or commutation of time for good conduct, as provided by law, from the date of return to prison.

(7) If a law enforcement officer has probable cause to believe that an offender who is on release supervision under s. 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated the terms and conditions of his or her release by committing a felony offense, the officer shall arrest the offender without a warrant, and a warrant need not be issued in the case.

Section 50. Subsection (1) and paragraph (b) of subsection (7) of section 947.146, Florida Statutes, are amended to read:

947.146 Control Release Authority.--

(1) There ~~may be~~ is created a Control Release Authority to be administratively housed within the Department of Corrections which shall be composed of five ~~the~~ members appointed by the Governor who shall also designate the chair of the Parole Commission and which shall have the same chair as the commission. The authority shall use ~~utilize~~ such ~~commission~~ staff from the Department of Corrections as it determines is necessary to carry out its purposes.

(7) The authority has the power and duty to:

(b) Authorize an individual member of the authority commissioner to postpone a control release date for not more than 60 days without a hearing for any inmate who has become the subject of a disciplinary proceeding, a criminal arrest, an information, or an indictment; who has been terminated from work release; or about whom there is any recently discovered information as specified in paragraph (a).

Section 51. Section 947.181, Florida Statutes, is amended to read:

947.181 Victim restitution as condition of parole.--

(1)(a) The regional parole boards ~~Parole Commission~~ shall require as a condition of parole reparation or restitution to the aggrieved party for the damage or loss caused by the offense for which the parolee was imprisoned unless the commission finds reasons to the contrary. If a regional parole board ~~the commission~~ does not order restitution or orders only partial restitution, the commission shall state on the record the reasons therefor. The amount of such reparation or restitution shall be determined by the regional parole board having oversight of the parolee ~~Parole Commission~~.

(b) If the parolee fails to make the reparation or restitution to the aggrieved party as authorized in paragraph (a), it shall be considered by the ~~court commission~~ as a violation of parole as specified in s. 947.21 and may be cause for revocation of her or his parole.

(2) If a defendant is paroled, any restitution ordered under s. 775.089 shall be a condition of such parole. The ~~court Parole Commission~~ may revoke parole if the defendant fails to comply with such order. In determining whether to revoke parole, the ~~court Parole Commission~~ shall consider the defendant's employment status, earning ability, and financial resources; the willfulness of the defendant's failure to pay; and any other special circumstances that may have a bearing on the defendant's ability to pay.

Section 52. Section 947.185, Florida Statutes, is amended to read:

947.185 Application for mental retardation services as condition of parole.--A regional parole board ~~The Parole Commission~~ may require as a condition of parole that any inmate who has been diagnosed as mentally retarded as defined in s. 393.063 shall, upon release, apply for retardation services from the Department of Children and Family Services.

Section 53. Subsections (1) and (2) of section 947.22, Florida Statutes, are amended to read:

947.22 Authority to arrest parole violators with or without warrant.--

(1) If a ~~court member of the commission or a duly authorized representative of the commission~~ has reasonable grounds to believe that a parolee has violated the terms and conditions of her or his parole in a material respect, ~~it such member or representative~~ may issue a warrant for the arrest of such parolee. The warrant shall be returnable before ~~the court a member of the commission or a duly authorized representative of the commission.~~ The ~~court commission, a commissioner, or a parole examiner with approval of the parole examiner supervisor,~~ may release the parolee on bail or her or his own recognizance, conditioned upon her or his appearance at any hearings noticed by the commission. If not released on bail or her or his own recognizance, the parolee shall be committed to jail pending hearings pursuant to s. 947.23. ~~The commission, at its election, may have the hearing conducted by one or more commissioners or by a duly authorized representative of the commission.~~ Any parole and probation officer, any officer authorized to serve criminal process, or any peace officer of this state is authorized to execute the warrant.

(2) Any parole and probation officer, when she or he has reasonable ground to believe that a parolee, control releasee, or conditional releasee has violated the terms and conditions of her or his parole, control release, or conditional release in a material respect, has the right to arrest the releasee or parolee without warrant and bring her or him forthwith before ~~a court one or more commissioners or a duly authorized representative of the Parole Commission or Control Release Authority;~~ and proceedings shall thereupon be had as provided ~~herein when a warrant has been issued by a member of the commission or authority or a duly authorized representative of the commission or authority.~~

Section 54. Paragraph (a) of subsection (1) and subsections (3) and (6) of section 948.09, Florida Statutes, are amended to read:

948.09 Payment for cost of supervision and rehabilitation.--

(1)(a)1. Any person ordered by the court ~~or~~ the Department of Corrections, ~~or the parole commission~~ to be placed on probation, drug offender probation, community control, parole, control release, provisional release supervision, addiction-recovery supervision, or conditional release supervision under chapter 944, chapter 945, chapter 947, chapter 948, or chapter 958, or in a pretrial intervention program,



must, as a condition of any placement, pay the department a total sum of money equal to the total month or portion of a month of supervision times the court-ordered amount, but not to exceed the actual per diem cost of the supervision. The department shall adopt rules by which an offender who pays in full and in advance of regular termination of supervision may receive a reduction in the amount due. The rules shall incorporate provisions by which the offender's ability to pay is linked to an established written payment plan. Funds collected from felony offenders may be used to offset costs of the Department of Corrections associated with community supervision programs, subject to appropriation by the Legislature.

2. In addition to any other contribution or surcharge imposed by this section, each felony offender assessed under this paragraph shall pay a \$2-per-month surcharge to the department. The surcharge shall be deemed to be paid only after the full amount of any monthly payment required by the established written payment plan has been collected by the department. These funds shall be used by the department to pay for correctional probation officers' training and equipment, including radios, and firearms training, firearms, and attendant equipment necessary to train and equip officers who choose to carry a concealed firearm while on duty. Nothing in this subparagraph shall be construed to limit the department's authority to determine who shall be authorized to carry a concealed firearm while on duty, or to limit the right of a correctional probation officer to carry a personal firearm approved by the department.

(3) Any failure to pay contribution as required under this section may constitute a ground for the revocation of probation, parole, or conditional release by the court, ~~the revocation of parole or conditional release by the Parole Commission, the revocation of control release by the Control Release Authority,~~ or removal from the pretrial intervention program by the state attorney. The Department of Corrections may exempt a person from the payment of all or any part of the contribution if it finds any of the following factors to exist:

(a) The offender has diligently attempted, but has been unable, to obtain employment which provides him or her sufficient income to make such payments.

(b) The offender is a student in a school, college, university, or course of career training designed to fit the student for gainful employment. Certification of such student status shall be supplied to the Secretary of Corrections by the educational institution in which the offender is enrolled.

(c) The offender has an employment handicap, as determined by a physical, psychological, or psychiatric examination acceptable to, or ordered by, the secretary.

(d) The offender's age prevents him or her from obtaining employment.

(e) The offender is responsible for the support of dependents, and the payment of such contribution constitutes an undue hardship on the offender.

(f) The offender has been transferred outside the state under an interstate compact adopted pursuant to chapter 949.

(g) There are other extenuating circumstances, as determined by the secretary.

(6) In addition to any other required contributions, the department, at its discretion, may require offenders under any form of supervision to submit to and pay for urinalysis testing to identify drug usage as part of the rehabilitation program. Any failure to make such payment, or participate, may be considered a ground for revocation by the court, ~~the Parole Commission, or the Control Release Authority,~~ or for removal from the pretrial intervention program by the state attorney. The department may exempt a person from such payment if it determines that any of the factors specified in subsection (3) exist.

Section 55. Subsection (1) of section 948.10, Florida Statutes, is amended to read:

948.10 Community control programs.--

(1) The Department of Corrections shall develop and administer a community control program. Such community control program and

required manuals shall be developed in consultation with the Florida Conference of Circuit Court Judges and the office of the State Courts Administrator. This complementary program shall be rigidly structured and designed to accommodate offenders who, in the absence of such a program, would have been incarcerated. The program shall focus on the provision of sanctions and consequences which are commensurate with the seriousness of the crime. The program shall offer the courts and the regional parole boards ~~Parole Commission~~ an alternative, community-based method to punish an offender in lieu of incarceration when the offender is a member of one of the following target groups:

(a) Probation violators charged with technical violations or misdemeanor violations.

(b) Parole violators charged with technical violations or misdemeanor violations.

(c) Individuals found guilty of felonies, who, due to their criminal backgrounds or the seriousness of the offenses, would not be placed on regular probation.

Section 56. Section 949.05, Florida Statutes, is amended to read:

949.05 Constitutionality.--

(1) If any clause, sentence, paragraph, section, or part of chapters 947-949 shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional, invalid, or void, such judgment shall not affect, impair, or invalidate the remainder of the law, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

(2) ~~If the method of selecting the commission members as herein provided is found to be invalid by reason of the vesting of the appointing power in the Governor and the Cabinet, the members of the Parole Commission herein provided for shall be appointed by the Governor.~~

Section 57. Subsection (6) of section 957.06, Florida Statutes, is amended to read:

957.06 Powers and duties not delegable to contractor.--A contract entered into under this chapter does not authorize, allow, or imply a delegation of authority to the contractor to:

(6) Make recommendations to a regional parole board ~~the Parole Commission~~ with respect to the denial or granting of parole, control release, conditional release, or conditional medical release. However, the contractor may submit written reports to a regional parole board ~~the Parole Commission~~ and must respond to a written request by a regional parole board ~~the Parole Commission~~ for information.

Section 58. Paragraph (c) of subsection (8) of section 958.045, Florida Statutes, is amended to read:

958.045 Youthful offender basic training program.--

(8)

(c) The department shall work cooperatively with the Control Release Authority or the regional parole board having oversight over the parole-eligible individual ~~Parole Commission~~ to effect the release of an offender who has successfully completed the requirements of the basic training program.

Section 59. Subsection (1) of section 960.001, Florida Statutes, is amended to read:

960.001 Guidelines for fair treatment of victims and witnesses in the criminal justice and juvenile justice systems.--

(1) The Department of Legal Affairs, the state attorneys, the Department of Corrections, the Department of Juvenile Justice, ~~the Parole Commission~~, the State Courts Administrator and circuit court administrators, the Department of Law Enforcement, and every sheriff's department, police department, or other law enforcement agency as defined in s. 943.10(4) shall develop and implement guidelines for the use of their respective agencies, which guidelines are consistent with the purposes of this act and s. 16(b), Art. I of the State Constitution and are designed to implement the provisions of s. 16(b), Art. I of the State Constitution and to achieve the following objectives:

(a) Information concerning services available to victims of adult and juvenile crime.--As provided in s. 27.0065, state attorneys and public

defenders shall gather information regarding the following services in the geographic boundaries of their respective circuits and shall provide such information to each law enforcement agency with jurisdiction within such geographic boundaries. Law enforcement personnel shall ensure, through distribution of a victim's rights information card or brochure at the crime scene, during the criminal investigation, and in any other appropriate manner, that victims are given, as a matter of course at the earliest possible time, information about:

1. The availability of crime victim compensation, when applicable;
2. Crisis intervention services, supportive or bereavement counseling, social service support referrals, and community-based victim treatment programs;
3. The role of the victim in the criminal or juvenile justice process, including what the victim may expect from the system as well as what the system expects from the victim;
4. The stages in the criminal or juvenile justice process which are of significance to the victim and the manner in which information about such stages can be obtained;
5. The right of a victim, who is not incarcerated, including the victim's parent or guardian if the victim is a minor, the lawful representative of the victim or of the victim's parent or guardian if the victim is a minor, and the next of kin of a homicide victim, to be informed, to be present, and to be heard when relevant, at all crucial stages of a criminal or juvenile proceeding, to the extent that this right does not interfere with constitutional rights of the accused, as provided by s. 16(b), Art. I of the State Constitution;
6. In the case of incarcerated victims, the right to be informed and to submit written statements at all crucial stages of the criminal proceedings, parole proceedings, or juvenile proceedings; and
7. The right of a victim to a prompt and timely disposition of the case in order to minimize the period during which the victim must endure the responsibilities and stress involved to the extent that this right does not interfere with the constitutional rights of the accused.

(b) Information for purposes of notifying victim or appropriate next of kin of victim or other designated contact of victim.--In the case of a homicide, pursuant to chapter 782; or a sexual offense, pursuant to chapter 794; or an attempted murder or sexual offense, pursuant to chapter 777; or stalking, pursuant to s. 784.048; or domestic violence, pursuant to s. 25.385:

1. The arresting law enforcement officer or personnel of an organization that provides assistance to a victim or to the appropriate next of kin of the victim or other designated contact must request that the victim or appropriate next of kin of the victim or other designated contact complete a victim notification card. However, the victim or appropriate next of kin of the victim or other designated contact may choose not to complete the victim notification card.
2. Unless the victim or the appropriate next of kin of the victim or other designated contact waives the option to complete the victim notification card, a copy of the victim notification card must be filed with the incident report or warrant in the sheriff's office of the jurisdiction in which the incident report or warrant originated. The notification card shall, at a minimum, consist of:
  - a. The name, address, and phone number of the victim; or
  - b. The name, address, and phone number of the appropriate next of kin of the victim; or
  - c. The name, address, and phone number of a designated contact other than the victim or appropriate next of kin of the victim; and
  - d. Any relevant identification or case numbers assigned to the case.
3. The chief administrator, or a person designated by the chief administrator, of a county jail, municipal jail, juvenile detention facility, or residential commitment facility shall make a reasonable attempt to notify the alleged victim or appropriate next of kin of the alleged victim or other designated contact within 4 hours following the release of the defendant on bail or, in the case of a juvenile offender, upon the release from residential detention or commitment. If the chief administrator, or designee, is unable to contact the alleged victim or appropriate next of kin

of the alleged victim or other designated contact by telephone, the chief administrator, or designee, must send to the alleged victim or appropriate next of kin of the alleged victim or other designated contact a written notification of the defendant's release.

4. Unless otherwise requested by the victim or the appropriate next of kin of the victim or other designated contact, the information contained on the victim notification card must be sent by the chief administrator, or designee, of the appropriate facility to the subsequent correctional or residential commitment facility following the sentencing and incarceration of the defendant, and unless otherwise requested by the victim or the appropriate next of kin of the victim or other designated contact, he or she must be notified of the release of the defendant from incarceration as provided by law.

5. If the defendant was arrested pursuant to a warrant issued or taken into custody pursuant to s. 985.207 in a jurisdiction other than the jurisdiction in which the defendant is being released, and the alleged victim or appropriate next of kin of the alleged victim or other designated contact does not waive the option for notification of release, the chief correctional officer or chief administrator of the facility releasing the defendant shall make a reasonable attempt to immediately notify the chief correctional officer of the jurisdiction in which the warrant was issued or the juvenile was taken into custody pursuant to s. 985.207, and the chief correctional officer of that jurisdiction shall make a reasonable attempt to notify the alleged victim or appropriate next of kin of the alleged victim or other designated contact, as provided in this paragraph, that the defendant has been or will be released.

(c) Information concerning protection available to victim or witness.--A victim or witness shall be furnished, as a matter of course, with information on steps that are available to law enforcement officers and state attorneys to protect victims and witnesses from intimidation. Victims of domestic violence shall also be given information about the address confidentiality program provided under s. 741.403.

(d) Notification of scheduling changes.--Each victim or witness who has been scheduled to attend a criminal or juvenile justice proceeding shall be notified as soon as possible by the agency scheduling his or her appearance of any change in scheduling which will affect his or her appearance.

(e) Advance notification to victim or relative of victim concerning judicial proceedings; right to be present.--Any victim, parent, guardian, or lawful representative of a minor who is a victim, or relative of a homicide victim shall receive from the appropriate agency, at the address found in the police report or the victim notification card if such has been provided to the agency, prompt advance notification, unless the agency itself does not have advance notification, of judicial and postjudicial proceedings relating to his or her case, including all proceedings or hearings relating to:

1. The arrest of an accused;
2. The release of the accused pending judicial proceedings or any modification of release conditions; and
3. Proceedings in the prosecution or petition for delinquency of the accused, including the filing of the accusatory instrument, the arraignment, disposition of the accusatory instrument, trial or adjudicatory hearing, sentencing or disposition hearing, appellate review, subsequent modification of sentence, collateral attack of a judgment, and, when a term of imprisonment, detention, or residential commitment is imposed, the release of the defendant or juvenile offender from such imprisonment, detention, or residential commitment by expiration of sentence or parole and any meeting held to consider such release.

A victim, a victim's parent or guardian if the victim is a minor, a lawful representative of the victim or of the victim's parent or guardian if the victim is a minor, or a victim's next of kin may not be excluded from any portion of any hearing, trial, or proceeding pertaining to the offense based solely on the fact that such person is subpoenaed to testify, unless, upon motion, the court determines such person's presence to be prejudicial. The appropriate agency with respect to notification under subparagraph 1. is

the arresting law enforcement agency, and the appropriate agency with respect to notification under subparagraphs 2. and 3. is the Attorney General or state attorney, unless the notification relates to a hearing concerning parole, in which case the appropriate agency is the Parole Commission. The Department of Corrections, the Department of Juvenile Justice, or the sheriff is the appropriate agency with respect to release by expiration of sentence or any other release program provided by law. Any victim may waive notification at any time, and such waiver shall be noted in the agency's files.

(f) Information concerning release from incarceration from a county jail, municipal jail, juvenile detention facility, or residential commitment facility.--The chief administrator, or a person designated by the chief administrator, of a county jail, municipal jail, juvenile detention facility, or residential commitment facility shall, upon the request of the victim or the appropriate next of kin of a victim or other designated contact of the victim of any of the crimes specified in paragraph (b), make a reasonable attempt to notify the victim or appropriate next of kin of the victim or other designated contact prior to the defendant's or offender's release from incarceration, detention, or residential commitment if the victim notification card has been provided pursuant to paragraph (b). If prior notification is not successful, a reasonable attempt must be made to notify the victim or appropriate next of kin of the victim or other designated contact within 4 hours following the release of the defendant or offender from incarceration, detention, or residential commitment. If the defendant is released following sentencing, disposition, or furlough, the chief administrator or designee shall make a reasonable attempt to notify the victim or the appropriate next of kin of the victim or other designated contact within 4 hours following the release of the defendant. If the chief administrator or designee is unable to contact the victim or appropriate next of kin of the victim or other designated contact by telephone, the chief administrator or designee must send to the victim or appropriate next of kin of the victim or other designated contact a written notification of the defendant's or offender's release.

(g) Consultation with victim or guardian or family of victim.--

1. In addition to being notified of the provisions of s. 921.143, the victim of a felony involving physical or emotional injury or trauma or, in a case in which the victim is a minor child or in a homicide, the guardian or family of the victim shall be consulted by the state attorney in order to obtain the views of the victim or family about the disposition of any criminal or juvenile case brought as a result of such crime, including the views of the victim or family about:

- a. The release of the accused pending judicial proceedings;
- b. Plea agreements;
- c. Participation in pretrial diversion programs; and
- d. Sentencing of the accused.

2. Upon request, the state attorney shall permit the victim, the victim's parent or guardian if the victim is a minor, the lawful representative of the victim or of the victim's parent or guardian if the victim is a minor, or the victim's next of kin in the case of a homicide to review a copy of the presentence investigation report prior to the sentencing hearing if one was completed. Any confidential information that pertains to medical history, mental health, or substance abuse and any information that pertains to any other victim shall be redacted from the copy of the report. Any person who reviews the report pursuant to this paragraph must maintain the confidentiality of the report and shall not disclose its contents to any person except statements made to the state attorney or the court.

3. When an inmate has been approved for community work release, the Department of Corrections shall, upon request and as provided in s. 944.605, notify the victim, the victim's parent or guardian if the victim is a minor, the lawful representative of the victim or of the victim's parent or guardian if the victim is a minor, or the victim's next of kin if the victim is a homicide victim.

(h) Return of property to victim.--Law enforcement agencies and the state attorney shall promptly return a victim's property held for evidentiary purposes unless there is a compelling law enforcement reason for retaining it. The trial or juvenile court exercising jurisdiction over the

criminal or juvenile proceeding may enter appropriate orders to implement the provisions of this subsection, including allowing photographs of the victim's property to be used as evidence at the criminal trial or the juvenile proceeding in place of the victim's property when no substantial evidentiary issue related thereto is in dispute.

(i) Notification to employer and explanation to creditors of victim or witness.--A victim or witness who so requests shall be assisted by law enforcement agencies and the state attorney in informing his or her employer that the need for victim and witness cooperation in the prosecution of the case may necessitate the absence of that victim or witness from work. A victim or witness who, as a direct result of a crime or of his or her cooperation with law enforcement agencies or a state attorney, is subjected to serious financial strain shall be assisted by such agencies and state attorney in explaining to the creditors of such victim or witness the reason for such serious financial strain.

(j) Notification of right to request restitution.--Law enforcement agencies and the state attorney shall inform the victim of the victim's right to request and receive restitution pursuant to s. 775.089 or s. 985.231(1)(a)1., and of the victim's rights of enforcement under ss. 775.089(6) and 985.201 in the event an offender does not comply with a restitution order. The state attorney shall seek the assistance of the victim in the documentation of the victim's losses for the purpose of requesting and receiving restitution. In addition, the state attorney shall inform the victim if and when restitution is ordered. If an order of restitution is converted to a civil lien or civil judgment against the defendant, the clerks shall make available at their office, as well as on their website, information provided by the Secretary of State, the court, or The Florida Bar on enforcing the civil lien or judgment.

(k) Notification of right to submit impact statement.--The state attorney shall inform the victim of the victim's right to submit an oral or written impact statement pursuant to s. 921.143 and shall assist in the preparation of such statement if necessary.

(l) Local witness coordination services.--The requirements for notification provided for in paragraphs (c), (d), and (i) may be performed by the state attorney or public defender for their own witnesses.

(m) Victim assistance education and training.--Victim assistance education and training shall be offered to persons taking courses at law enforcement training facilities and to state attorneys and assistant state attorneys so that victims may be promptly, properly, and completely assisted.

(n) General victim assistance.--Victims and witnesses shall be provided with such other assistance, such as transportation, parking, separate pretrial waiting areas, and translator services in attending court, as is practicable.

(o) Victim's rights information card or brochure.--A victim of a crime shall be provided with a victim's rights information card or brochure containing essential information concerning the rights of a victim and services available to a victim as required by state law.

(p) Information concerning escape from a state correctional institution, county jail, juvenile detention facility, or residential commitment facility.--In any case where an offender escapes from a state correctional institution, private correctional facility, county jail, juvenile detention facility, or residential commitment facility, the institution of confinement shall immediately notify the state attorney of the jurisdiction where the criminal charge or petition for delinquency arose and the judge who imposed the sentence of incarceration. The state attorney shall thereupon make every effort to notify the victim, material witness, parents or legal guardian of a minor who is a victim or witness, or immediate relatives of a homicide victim of the escapee. The state attorney shall also notify the sheriff of the county where the criminal charge or petition for delinquency arose. The sheriff shall offer assistance upon request. When an escaped offender is subsequently captured or is captured and returned to the institution of confinement, the institution of confinement shall again immediately notify the appropriate state attorney and sentencing judge pursuant to this section.

(q) Presence of victim advocate during discovery deposition;

testimony of victim of a sexual offense.--At the request of the victim or the victim's parent, guardian, or lawful representative, the victim advocate designated by state attorney's office, sheriff's office, or municipal police department, or one representative from a not-for-profit victim services organization, including, but not limited to, rape crisis centers, domestic violence advocacy groups, and alcohol abuse or substance abuse groups shall be permitted to attend and be present during any deposition of the victim. The victim of a sexual offense shall be informed of the right to have the courtroom cleared of certain persons as provided in s. 918.16 when the victim is testifying concerning that offense.

(r) Implementing crime prevention in order to protect the safety of persons and property, as prescribed in the State Comprehensive Plan.--By preventing crimes that create victims or further harm former victims, crime prevention efforts are an essential part of providing effective service for victims and witnesses. Therefore, the agencies identified in this subsection may participate in and expend funds for crime prevention, public awareness, public participation, and educational activities directly relating to, and in furtherance of, existing public safety statutes. Furthermore, funds may not be expended for the purpose of influencing public opinion on public policy issues that have not been resolved by the Legislature or the electorate.

(s) Attendance of victim at same school as defendant.--When the victim of an offense committed by a juvenile is a minor, the Department of Juvenile Justice shall request information to determine if the victim, or any sibling of the victim, attends or is eligible to attend the same school as the offender. However, if the offender is subject to a presentence investigation by the Department of Corrections, the Department of Corrections shall make such request. If the victim or any sibling of the victim attends or is eligible to attend the same school as that of the offender, the appropriate agency shall notify the victim's parent or legal guardian of the right to attend the sentencing or disposition of the offender and request that the offender be required to attend a different school.

Section 60. Subsection (3) of section 960.17, Florida Statutes, is amended to read:

960.17 Award constitutes debt owed to state.--

(3) The regional parole board with jurisdiction over the parole-eligible offender ~~Parole Commission~~ shall make the payment of the debt to the state a condition of parole under chapter 947, unless the board ~~commission~~ finds reasons to the contrary. If the board ~~commission~~ does not order payment, or orders only partial payment, it shall state on the record the reasons therefor.

Section 61. Paragraph (a) of subsection (3) of section 985.04, Florida Statutes, is amended to read:

985.04 Oaths; records; confidential information.--

(3)(a) Except as provided in subsections (2), (4), (5), and (6), and s. 943.053, all information obtained under this part in the discharge of official duty by any judge, any employee of the court, any authorized agent of the Department of Juvenile Justice, the regional parole boards ~~Parole Commission~~, the Department of Corrections, the juvenile justice circuit boards, any law enforcement agent, or any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile is confidential and may be disclosed only to the authorized personnel of the court, the Department of Juvenile Justice and its designees, the Department of Corrections, the regional parole boards ~~Parole Commission~~, law enforcement agents, school superintendents and their designees, any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile, and others entitled under this chapter to receive that information, or upon order of the court. Within each county, the sheriff, the chiefs of police, the district school superintendent, and the department shall enter into an interagency agreement for the purpose of sharing information about juvenile offenders among all parties. The agreement must specify the conditions under which summary criminal history information is to be made available to appropriate school personnel, and the conditions under

which school records are to be made available to appropriate department personnel. Such agreement shall require notification to any classroom teacher of assignment to the teacher's classroom of a juvenile who has been placed in a probation or commitment program for a felony offense. The agencies entering into such agreement must comply with s. 943.0525, and must maintain the confidentiality of information that is otherwise exempt from s. 119.07(1), as provided by law.

Section 62. Subsection (2) of section 985.05, Florida Statutes, is amended to read:

985.05 Court records.--

(2) The clerk shall keep all official records required by this section separate from other records of the circuit court, except those records pertaining to motor vehicle violations, which shall be forwarded to the Department of Highway Safety and Motor Vehicles. Except as provided in ss. 943.053 and 985.04(4), official records required by this part are not open to inspection by the public, but may be inspected only upon order of the court by persons deemed by the court to have a proper interest therein, except that a child and the parents, guardians, or legal custodians of the child and their attorneys, law enforcement agencies, the Department of Juvenile Justice and its designees, a regional parole board ~~the Parole Commission~~, and the Department of Corrections shall always have the right to inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect, and make abstracts from, official records under whatever conditions upon the use and disposition of such records the court may deem proper and may punish by contempt proceedings any violation of those conditions.

Section 63. Subsection (1) of section 784.078, Florida Statutes, is amended to read:

784.078 Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.--

(1) As used in this section, the term "facility" means a state correctional institution defined in s. 944.02~~(6)~~; a private correctional facility defined in s. 944.710 or under chapter 957; a county, municipal, or regional jail or other detention facility of local government under chapter 950 or chapter 951; or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice.

Section 64. Support for the Governor and Cabinet acting in their capacity as the Executive Board of Clemency is hereby transferred from the Parole Commission to the Executive Office of the Governor by a type two transfer as provided in s. 20.06, Florida Statutes.

Section 65. Sections 947.01 and 947.022, Florida Statutes, are repealed.

Section 66. The Division of Statutory Revision of the Office of Legislative Services shall redesignate, in the next edition of the Florida Statutes, the title of chapter 947, Florida Statutes, as "Regional Parole Boards."

Section 67. Except as otherwise provided, this act shall take effect June 1, 2006.

Remove line 17 and insert:

proposals for a private correctional facility; amending ss. 20.315, 20.32, 23.21, 112.011, 186.005, 255.502, 322.16, 394.926, 394.927, 775.089, 775.16, 784.07, 784.078, 843.01, 843.02, 843.08, 893.11, 921.001, 921.16, 921.20, 921.21, 921.22, 940.03, 940.05, 941.23, 943.0311, 943.06, 944.012, 944.02, 944.024, 944.23, 944.291, 944.4731, 945.091, 945.10, 945.47, 945.73, 947.002, 947.005, 947.02, 947.021, 947.1405, 947.141, 947.146, 947.181, 947.185, 947.22, 948.09, 948.10, 949.05, 957.06, 958.045, 960.001, 960.17, 985.04, and 985.05, F.S.; abolishing the Parole Commission; providing for the creation of regional parole boards; providing for membership, powers, and duties of such boards; providing for assignment of inmates to boards; conforming provisions; amending s. 784.078, F.S.; conforming a cross reference; repealing s. 947.01, F.S., relating to the creation of the Parole Commission; repealing s. 947.022, F.S., relating to terms of members of the Parole Commission;

transferring support for the Governor and Cabinet acting in their capacity as the Executive Board of Clemency from the Parole Commission to the Executive Office of the Governor; providing a directive to the Division of Statutory Revision; providing

Rep. Needelman moved the adoption of the amendment.

Representative Needelman offered the following:

(Amendment Bar Code: 576449)

**Substitute Amendment 1 (with title amendments)**—Remove line 247 and insert:

Section 7. Subsection (10) of section 20.315, Florida Statutes, is amended to read:

20.315 Department of Corrections.--There is created a Department of Corrections.

(10) FORM OF COMMITMENT; NOTICE OF PAROLE VIOLATION.--All commitments shall state the statutory authority therefor. The Secretary of Corrections shall have the authority to prescribe the form to be used for commitments. Nothing in this act shall be construed to abridge the authority and responsibility of a regional parole board ~~Commission~~ with respect to the granting and ~~revocation~~ of parole. The Department of Corrections shall notify the original sentencing court ~~Parole Commission~~ of all violations of parole conditions and provide reports connected thereto as may be requested by the court ~~commission~~. The court ~~commission~~ shall have the authority to issue orders dealing with supervision of specific parolees, and such orders shall be binding on all parties.

Section 8. Section 20.32, Florida Statutes, is amended to read:

20.32 Regional parole boards ~~Parole Commission~~.--

(1) There is hereby established a regional parole board of no less than three or more than seven members in each of the regions of the Department of Corrections. The Governor shall appoint members to serve on the regional parole boards as provided by s. 947.02. The regional parole boards shall be administratively housed within the Office of the Attorney General, which shall provide administrative and staff support to the boards. The Parole and Probation Commission, authorized by s. 8(c), Art. IV, State Constitution of 1968, is continued and renamed the Parole Commission. The commission retains its powers, duties, and functions with respect to the granting and revoking of parole and shall exercise powers, duties, and functions relating to investigations of applications for clemency as directed by the Governor and the Cabinet.

(2) The powers and duties of the regional parole boards shall be to conduct parole hearings, to grant or deny parole to parole-eligible inmates, to set any special conditions for parole, and such other duties as may be prescribed by law. No fewer than three members must participate in hearings to grant or deny parole or to set any special conditions for parole. It shall require a majority vote of members participating in a proceeding to grant or deny parole or set any special conditions for parole. All powers, duties, and functions relating to the appointment of the Parole Commission as provided in s. 947.02 or s. 947.021 shall be exercised and performed by the Governor and the Cabinet. Except as provided in s. 947.021, each appointment shall be made from among the first three eligible persons on the list of the persons eligible for said position.

(3) The Attorney General shall assign parole-eligible inmates to the jurisdiction of a regional board based on the location of the most serious offense that resulted in the offender's incarceration. The Attorney General may, however, assign an inmate to a different parole board than for the location where the most serious offense occurred if necessary to facilitate attendance of a victim or to facilitate the convenience of the parole board volunteer members in cases in which the inmate is physically located outside the region in which the crime occurred. Parole hearings may be held by video teleconference. An accurate record of all proceedings conducted by video teleconference must be maintained by the Office of the Attorney General. The commission may require any employee of the

~~commission to give a bond for the faithful performance of his or her duties. The commission may determine the amount of the bond and must approve the bond. In determining the amount of the bond, the commission may consider the amount of money or property likely to be in custody of the officer or employee at any one time. The premiums for the bonds must be paid out of the funds of the commission.~~

Section 9. Subsection (1) of section 23.21, Florida Statutes, is amended to read:

23.21 Definitions.--For purposes of this part:

(1) "Department" means a principal administrative unit within the executive branch of state government, as defined in chapter 20, and includes the State Board of Administration, the Executive Office of the Governor, the Fish and Wildlife Conservation Commission, ~~the Parole Commission~~, the Agency for Health Care Administration, the Board of Regents, the State Board of Community Colleges, the Justice Administrative Commission, the Capital Collateral Representative, and separate budget entities placed for administrative purposes within a department.

Section 10. Paragraph (b) of subsection (2) of section 112.011, Florida Statutes, is amended to read:

112.011 Felons; removal of disqualifications for employment, exceptions.--

(2)

(b) This section shall not be applicable to the employment practices of any fire department relating to the hiring of firefighters. An applicant for employment with any fire department with a prior felony conviction shall be excluded from employment for a period of 4 years after expiration of sentence or final release by the Parole Commission or a regional parole board unless the applicant, prior to the expiration of the 4-year period, has received a full pardon or has had his or her civil rights restored.

Section 11. Subsection (1) of section 186.005, Florida Statutes, is amended to read:

186.005 Designation of departmental planning officer.--

(1) The head of each executive department and the Public Service Commission, the Fish and Wildlife Conservation Commission, ~~the Parole Commission~~, and the Department of Military Affairs shall select from within such agency a person to be designated as the planning officer for such agency. The planning officer shall be responsible for coordinating with the Executive Office of the Governor and with the planning officers of other agencies all activities and responsibilities of such agency relating to planning.

Section 12. Subsection (3) of section 255.502, Florida Statutes, is amended to read:

255.502 Definitions; ss. 255.501-255.525.--As used in this act, the following words and terms shall have the following meanings unless the context otherwise requires:

(3) "Agency" means any department created by chapter 20, the Executive Office of the Governor, the Fish and Wildlife Conservation Commission, ~~the Parole Commission~~, the State Board of Administration, the Department of Military Affairs, or the Legislative Branch or the Judicial Branch of state government.

Section 13. Paragraph (c) of subsection (1) of section 322.16, Florida Statutes, is amended to read:

322.16 License restrictions.--

(1)

(c) The department may further, at any time, impose other restrictions on the use of the license with respect to time and purpose of use or may impose any other condition or restriction upon recommendation of any court, of the Parole Commission or a regional parole board, or of the Department of Corrections with respect to any individual who is under the jurisdiction, supervision, or control of the entity that made the recommendation.

Section 14. Subsection (2) of section 394.926, Florida Statutes, is amended to read:

394.926 Notice to victims of release of persons committed as sexually violent predators; notice to certain agencies ~~Department of Corrections~~

~~and Parole Commission.--~~

(2) If a sexually violent predator who has an active or pending term of probation, community control, parole, conditional release, or other court-ordered or postprison release supervision is released from custody, the department must immediately notify the Department of Corrections' Office of Community Corrections in Tallahassee. The regional parole board with jurisdiction ~~Parole Commission~~ must also be immediately notified of any releases of a sexually violent predator who has an active or pending term of parole, ~~conditional release, or other postprison release supervision that is administered by the Parole Commission.~~

Section 15. Subsection (2) of section 394.927, Florida Statutes, is amended to read:

394.927 Escape while in lawful custody; notice to victim; notice to the Department of Corrections and regional parole board ~~Parole Commission~~.--

(2) If a person who is held in custody pursuant to a finding of probable cause or commitment as a sexually violent predator escapes while in custody, the department shall immediately notify the victim in accordance with s. 394.926. The state attorney that filed the petition for civil commitment of the escapee must also be immediately notified by the department. If the escapee has an active or pending term of probation, community control, parole, conditional release, or other court-ordered or postprison release supervision, the department shall also immediately notify the Department of Corrections' Office of Community Corrections in Tallahassee. The regional parole board having jurisdiction ~~Parole Commission~~ shall also be immediately notified of an escape if the escapee has an active or pending term of parole, ~~conditional release, or other postprison release supervision that is administered by the Parole Commission.~~

Section 16. Subsection (4) of section 775.089, Florida Statutes, is amended to read:

775.089 Restitution.--

(4) If a defendant is placed on probation or paroled, complete satisfaction of any restitution ordered under this section shall be a condition of such probation or parole. The court may revoke probation ~~or~~ ~~and the Parole Commission may revoke~~ parole; if the defendant fails to comply with such order.

Section 17. Subsection (1) and paragraphs (a) and (b) of subsection (2) of section 775.16, Florida Statutes, are amended to read:

775.16 Drug offenses; additional penalties.--In addition to any other penalty provided by law, a person who has been convicted of sale of or trafficking in, or conspiracy to sell or traffic in, a controlled substance under chapter 893, if such offense is a felony, or who has been convicted of an offense under the laws of any state or country which, if committed in this state, would constitute the felony of selling or trafficking in, or conspiracy to sell or traffic in, a controlled substance under chapter 893, is:

(1) Disqualified from applying for employment by any agency of the state, unless:

(a) The person has completed all sentences of imprisonment or supervisory sanctions imposed by the court, by the Parole Commission or a regional parole board, or by law; or

(b) The person has complied with the conditions of subparagraphs 1. and 2. which shall be monitored by the Department of Corrections while the person is under any supervisory sanctions. The person under supervision may:

1. Seek evaluation and enrollment in, and once enrolled maintain enrollment in until completion, a drug treatment and rehabilitation program which is approved by the Department of Children and Family Services, unless it is deemed by the program that the person does not have a substance abuse problem. The treatment and rehabilitation program may be specified by:

a. The court, in the case of court-ordered supervisory sanctions;

b. The regional parole board having jurisdiction ~~Parole Commission~~, in the case of parole, ~~control release, or conditional release~~; or

c. The Department of Corrections, in the case of imprisonment,

conditional release, control release, or any other supervision required by law.

2. Submit to periodic urine drug testing pursuant to procedures prescribed by the Department of Corrections. If the person is indigent, the costs shall be paid by the Department of Corrections.

(2) Disqualified from applying for a license, permit, or certificate required by any agency of the state to practice, pursue, or engage in any occupation, trade, vocation, profession, or business, unless:

(a) The person has completed all sentences of imprisonment or supervisory sanctions imposed by the court, by the Parole Commission or a regional parole board, or by law;

(b) The person has complied with the conditions of subparagraphs 1. and 2. which shall be monitored by the Department of Corrections while the person is under any supervisory sanction. If the person fails to comply with provisions of these subparagraphs by either failing to maintain treatment or by testing positive for drug use, the department shall notify the licensing, permitting, or certifying agency, which may refuse to reissue or reinstate such license, permit, or certification. The licensee, permittee, or certificateholder under supervision may:

1. Seek evaluation and enrollment in, and once enrolled maintain enrollment in until completion, a drug treatment and rehabilitation program which is approved or regulated by the Department of Children and Family Services, unless it is deemed by the program that the person does not have a substance abuse problem. The treatment and rehabilitation program may be specified by:

a. The court, in the case of court-ordered supervisory sanctions;

b. The regional parole board having jurisdiction ~~Parole Commission~~, in the case of parole, ~~control release, or conditional release~~; or

c. The Department of Corrections, in the case of imprisonment, conditional release, control release, or any other supervision required by law.

2. Submit to periodic urine drug testing pursuant to procedures prescribed by the Department of Corrections. If the person is indigent, the costs shall be paid by the Department of Corrections; or

The provisions of this section do not apply to any of the taxes, fees, or permits regulated, controlled, or administered by the Department of Revenue in accordance with the provisions of s. 213.05.

Section 18. Paragraph (a) of subsection (1) of section 784.07, Florida Statutes, is amended to read:

784.07 Assault or battery of law enforcement officers, firefighters, emergency medical care providers, public transit employees or agents, or other specified officers; reclassification of offenses; minimum sentences.--

(1) As used in this section, the term:

(a) "Law enforcement officer" includes a law enforcement officer, a correctional officer, a correctional probation officer, a part-time law enforcement officer, a part-time correctional officer, an auxiliary law enforcement officer, and an auxiliary correctional officer, as those terms are respectively defined in s. 943.10, and any county probation officer; employee or agent of the Department of Corrections who supervises or provides services to inmates; ~~officer of the Parole Commission~~; and law enforcement personnel of the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, or the Department of Law Enforcement.

Section 19. Subsection (2) of section 784.078, Florida Statutes, is amended to read:

784.078 Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.--

(2)(~~a~~) As used in this section, the term "employee" includes any person employed by or performing contractual services for a public or private entity operating a facility or any person employed by or performing contractual services for the corporation operating the prison industry enhancement programs or the correctional work programs, pursuant to part II of chapter 946.

(~~b~~) "Employee" includes any person who is a parole examiner with

~~the Florida Parole Commission.~~

Section 20. Section 843.01, Florida Statutes, is amended to read:

843.01 Resisting officer with violence to his or her person.--Whoever knowingly and willfully resists, obstructs, or opposes any officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); ~~member of the Parole Commission or any administrative aide or supervisor employed by the commission;~~ parole and probation supervisor; county probation officer; personnel or representative of the Department of Law Enforcement; or other person legally authorized to execute process in the execution of legal process or in the lawful execution of any legal duty, by offering or doing violence to the person of such officer or legally authorized person, commits is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 21. Section 843.02, Florida Statutes, is amended to read:

843.02 Resisting officer without violence to his or her person.--Whoever shall resist, obstruct, or oppose any officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); ~~member of the Parole Commission or any administrative aide or supervisor employed by the commission;~~ county probation officer; parole and probation supervisor; personnel or representative of the Department of Law Enforcement; or other person legally authorized to execute process in the execution of legal process or in the lawful execution of any legal duty, without offering or doing violence to the person of the officer, commits shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 22. Section 843.08, Florida Statutes, is amended to read:

843.08 Falsely personating an officer, ~~etc.~~--A person who falsely assumes or pretends to be a sheriff, officer of the Florida Highway Patrol, officer of the Fish and Wildlife Conservation Commission, officer of the Department of Environmental Protection, officer of the Department of Transportation, officer of the Department of Corrections, correctional probation officer, deputy sheriff, state attorney or assistant state attorney, statewide prosecutor or assistant statewide prosecutor, state attorney investigator, coroner, police officer, lottery special agent or lottery investigator, beverage enforcement agent, or watchman, ~~or any member of the Parole Commission and any administrative aide or supervisor employed by the commission;~~ or any personnel or representative of the Department of Law Enforcement, and takes upon himself or herself to act as such, or to require any other person to aid or assist him or her in a matter pertaining to the duty of any such officer, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084; however, a person who falsely personates any such officer during the course of the commission of a felony commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084; except that if the commission of the felony results in the death or personal injury of another human being, the person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 23. Paragraph (a) of subsection (1) of section 893.11, Florida Statutes, is amended to read:

893.11 Suspension, revocation, and reinstatement of business and professional licenses.--Upon the conviction in any court of competent jurisdiction of any person holding a license, permit, or certificate issued by a state agency, for sale of, or trafficking in, a controlled substance or for conspiracy to sell, or traffic in, a controlled substance, if such offense is a felony, the clerk of said court shall send a certified copy of the judgment of conviction with the person's license number, permit number, or certificate number on the face of such certified copy to the agency head by whom the convicted defendant has received a license, permit, or certificate to practice his or her profession or to carry on his or her business. Such agency head shall suspend or revoke the license, permit, or certificate of the convicted defendant to practice his or her profession or to carry on his or her business. Upon a showing by any such convicted defendant whose license, permit, or certificate has been suspended or revoked pursuant to this section that his or her civil rights have been restored or upon a showing that the convicted defendant meets the

following criteria, the agency head may reinstate or reactivate such license, permit, or certificate when:

(1) The person has complied with the conditions of paragraphs (a) and (b) which shall be monitored by the Department of Corrections while the person is under any supervisory sanction. If the person fails to comply with provisions of these paragraphs by either failing to maintain treatment or by testing positive for drug use, the department shall notify the licensing, permitting, or certifying agency, which shall revoke the license, permit, or certification. The person under supervision may:

(a) Seek evaluation and enrollment in, and once enrolled maintain enrollment in until completion, a drug treatment and rehabilitation program which is approved or regulated by the Department of Children and Family Services. The treatment and rehabilitation program shall be specified by:

1. The court, in the case of court-ordered supervisory sanctions;
2. The regional parole board having jurisdiction ~~Parole Commission,~~ in the case of parole, ~~control release, or conditional release;~~ or
3. The Department of Corrections, in the case of imprisonment, conditional release, or any other supervision required by law.

This section does not apply to any of the taxes, fees, or permits regulated, controlled, or administered by the Department of Revenue in accordance with s. 213.05.

Section 24. Paragraph (a) of subsection (9) of section 921.001, Florida Statutes, is amended to read:

921.001 Sentencing Commission and sentencing guidelines generally.--

(9)(a) The Sentencing Commission and the office of the State Courts Administrator shall conduct ongoing research on the impact of the sentencing guidelines, the use of imprisonment and alternatives to imprisonment, and plea bargaining. The commission, with the aid of the office of the State Courts Administrator, and the Department of Corrections, ~~and the Parole Commission,~~ shall estimate the impact of any proposed changes to the sentencing guidelines on future rates of incarceration and levels of prison population, based in part on historical data of sentencing practices which have been accumulated by the office of the State Courts Administrator and on Department of Corrections records reflecting average time served for offenses covered by the proposed changes to the guidelines. The commission shall review the projections of impact and shall make them available to other appropriate agencies of state government, including the Legislature, by October 1 of each year.

Section 25. Subsection (2) of section 921.16, Florida Statutes, is amended to read:

921.16 When sentences to be concurrent and when consecutive.--

(2) A county court or circuit court of this state may direct that the sentence imposed by such court be served concurrently with a sentence imposed by a court of another state or of the United States or, for purposes of this section, concurrently with a sentence to be imposed in another jurisdiction. In such case, the Department of Corrections may designate the correctional institution of the other jurisdiction as the place for reception and confinement of such person and may also designate the place in Florida for reception and confinement of such person in the event that confinement in the other jurisdiction terminates before the expiration of the Florida sentence. The sheriff shall forward commitment papers and other documents specified in s. 944.17 to the department. Upon imposing such a sentence, the court shall notify the Office of the Attorney General which shall notify the appropriate regional parole board ~~Parole Commission~~ as to the jurisdiction in which the sentence is to be served. Any prisoner so released to another jurisdiction shall be eligible for consideration for parole by the appropriate regional parole board ~~Parole Commission~~ pursuant to ~~the provisions of~~ chapter 947, except that the Office of the Attorney General ~~commission~~ shall assist the appropriate regional parole board in determining ~~determine~~ the presumptive parole release date and the effective parole release date by requesting such person's file from the receiving jurisdiction. Upon receiving such records,

the Office of the Attorney General ~~commission~~ shall determine these release dates based on the relevant information in that file and shall give credit toward reduction of the Florida sentence for gain-time granted by the jurisdiction where the inmate is serving the sentence. The regional parole board ~~Parole Commission~~ may concur in ~~with~~ the parole release decision of the jurisdiction granting parole and accepting supervision.

Section 26. Section 921.20, Florida Statutes, is amended to read:

921.20 Classification summary; regional parole boards ~~Parole Commission~~.--As soon as possible after a prisoner has been placed in the custody of the Department of Corrections, the classification board shall furnish a classification summary to the Office of the Attorney General for use by the regional parole board ~~Parole Commission for use~~ as provided in s. 20.32 ~~947.14~~. The summary shall include the criminal, personal, social, and environmental background and other relevant factors considered in classifying the prisoner for a penal environment best suited for the prisoner's rapid rehabilitation.

Section 27. Section 921.21, Florida Statutes, is amended to read:

921.21 Progress reports to regional parole boards ~~Parole Commission~~.--From time to time the Department of Corrections shall submit to the Attorney General for use by the regional parole board ~~Parole Commission~~ progress reports and recommendations regarding prisoners sentenced under s. 921.18. When the classification board of the Department of Corrections determines that justice and the public welfare will best be served by paroling or discharging a prisoner, it shall transmit its finding to the Office of the Attorney General which shall forward such findings to the appropriate regional parole board ~~Parole Commission~~. The regional parole board ~~commission~~ shall have the authority to place the prisoner on parole as provided by law or give the prisoner a full discharge from custody. The period of a parole granted by a regional parole board ~~the Parole Commission~~ shall be in its discretion, but the parole period shall not exceed the maximum term for which the prisoner was sentenced.

Section 28. Section 921.22, Florida Statutes, is amended to read:

921.22 Determination of exact period of imprisonment by regional parole board ~~Parole Commission~~.--Upon the recommendation of the Department of Corrections, a regional parole board ~~the Parole Commission~~ shall have the authority to determine the exact period of imprisonment to be served by defendants sentenced under the provisions of s. 921.18, but a prisoner shall not be held in custody longer than the maximum sentence provided for the offense.

Section 29. Section 940.03, Florida Statutes, is amended to read:

940.03 Application for executive clemency.--When any person intends to apply for remission of any fine or forfeiture or the commutation of any punishment, or for pardon or restoration of civil rights, he or she shall request an application form from the Executive Office of the Governor ~~Parole Commission~~ in compliance with such rules regarding application for executive clemency as are adopted by the Governor with the approval of two members of the Cabinet. Such application may require the submission of a certified copy of the applicant's indictment or information, the judgment adjudicating the applicant to be guilty, and the sentence, if sentence has been imposed, and may also require the applicant to send a copy of the application to the judge and prosecuting attorney of the court in which the applicant was convicted, notifying them of the applicant's intent to apply for executive clemency. An application for executive clemency for a person who is sentenced to death must be filed within 1 year after the date the Supreme Court issues a mandate on a direct appeal or the United States Supreme Court denies a petition for certiorari, whichever is later.

Section 30. Subsection (3) of section 940.05, Florida Statutes, is amended to read:

940.05 Restoration of civil rights.--Any person who has been convicted of a felony may be entitled to the restoration of all the rights of citizenship enjoyed by him or her prior to conviction if the person has:

(3) Been granted his or her final release by the regional parole board having jurisdiction ~~Parole Commission~~.

Section 31. Subsections (2) and (3) of section 941.23, Florida Statutes,

are amended to read:

941.23 Application for issuance of requisition; by whom made; contents.--

(2) When the return to this state is required of a person who has been convicted of a crime in this state and has escaped from confinement or broken the terms of his or her bail, probation, or parole, the state attorney of the county in which the offense was committed, the regional parole board having jurisdiction ~~Parole Commission~~, the Department of Corrections, or the warden of the institution or sheriff of the county, from which escape was made, shall present to the Governor a written application for a requisition for the return of such person, in which application shall be stated the name of the person, the crime of which the person was convicted, the circumstances of his or her escape from confinement or of the breach of the terms of his or her bail, probation, or parole, and the state in which the person is believed to be, including the location of the person therein at the time application is made.

(3) The application shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the indictment returned or information and affidavit filed or of the complaint made to the judge, stating the offense with which the accused is charged, or of the judgment of conviction or of the sentence. The prosecuting officer, regional parole board having jurisdiction ~~Parole Commission~~, Department of Corrections, warden, or sheriff may also attach such further affidavits and other documents in duplicate as he or she shall deem proper to be submitted with such application. One copy of the application, with the action of the Governor indicated by endorsement thereon, and one of the certified copies of the indictment, complaint, information, and affidavits or of the judgment of conviction or of the sentence shall be filed in the office of the Department of State to remain of record in that office. The other copies of all papers shall be forwarded with the Governor's requisition.

Section 32. Subsection (7) of section 943.0311, Florida Statutes, is amended to read:

943.0311 Chief of Domestic Security Initiatives; duties of the department with respect to domestic security.--

(7) As used in this section, the term "state agency" includes the Agency for Health Care Administration, the Agency for Workforce Innovation, the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, the Department of Children and Family Services, the Department of Citrus, the Department of Community Affairs, the Department of Corrections, the Department of Education, the Department of Elderly Affairs, the Department of Environmental Protection, the Department of Financial Services, the Department of Health, the Department of Highway Safety and Motor Vehicles, the Department of Juvenile Justice, the Department of Law Enforcement, the Department of Legal Affairs, the Department of Management Services, the Department of Military Affairs, the Department of Revenue, the Department of State, the Department of the Lottery, the Department of Transportation, the Department of Veterans' Affairs, the Fish and Wildlife Conservation Commission, ~~the Parole Commission~~, the State Board of Administration, and the Executive Office of the Governor.

Section 33. Subsection (1) of section 943.06, Florida Statutes, is amended to read:

943.06 Criminal and Juvenile Justice Information Systems Council.--There is created a Criminal and Juvenile Justice Information Systems Council within the department.

(1) The council shall be composed of 14 members, consisting of the Attorney General or a designated assistant; the executive director of the Department of Law Enforcement or a designated assistant; the secretary of the Department of Corrections or a designated assistant; ~~the chair of the Parole Commission or a designated assistant~~; the Secretary of Juvenile Justice or a designated assistant; the executive director of the Department of Highway Safety and Motor Vehicles or a designated assistant; the State Courts Administrator or a designated assistant; 1 public defender appointed by the Florida Public Defender Association,



Inc.; 1 state attorney appointed by the Florida Prosecuting Attorneys Association, Inc.; and 5 members, to be appointed by the Governor, consisting of 2 sheriffs, 2 police chiefs, and 1 clerk of the circuit court.

Section 34. Section 944.012, Florida Statutes, is amended to read:

944.012 Legislative intent.--The Legislature hereby finds and declares that:

~~(1) Florida spends each year in excess of \$60 million for its state correctional system, but Florida citizens have not received a fair return on that investment. Florida correctional institutions have contributed little to the reduction of crime. To the contrary, crime rates continue to rise; recidivism rates are notoriously high; and large prisons have for the most part become schools for crime, making successful reintegration into the community unlikely.~~

~~(2) It is clear that major changes in correctional methods are required. It is essential to abate the use of large institutions and continue the development of community based corrections; to equip judges with more effective evaluative tools to deal with the criminal offender; and to provide alternatives to institutionalization, including the availability of probationers' residences and community correctional centers.~~

~~(1)(3) One of the chief factors contributing to the high recidivism rate in the state is the general inability of ex-offenders to find or keep meaningful employment. Since Although 90 percent of all offenders sent to prison return to society one day, the correctional system should, within available resources, equip the offender has done little to provide the offender with the academic and vocational skills that the offender needs to return to society as a productive citizen. This failure virtually guarantees the probability of return to crime. Vocational training and assistance in job placement must be looked to on a priority basis as an integral part of the process of changing deviant behavior in the institutionalized offender, when such change is determined to be possible.~~

~~(4) These changes must not be made out of sympathy for the criminal or out of disregard of the threat of crime to society. They must be made precisely because that threat is too serious to be countered by ineffective methods.~~

~~(2)(5) In order to make the correctional system an efficient and effective mechanism, the various agencies involved in the correctional process must coordinate their efforts. Where possible, interagency offices should be physically located within major institutions and should include representatives of the Agency for Workforce Innovation Florida State Employment Service, and the vocational rehabilitation programs of the Department of Education, and the Parole Commission. Duplicative and unnecessary methods of evaluating offenders must be eliminated and areas of responsibility consolidated in order to more economically utilize present scarce resources.~~

~~(3)(6) It is the intent of the Legislature:~~

~~(a) To provide a mechanism for the early identification, evaluation, and treatment of behavioral disorders of adult offenders coming into contact with the correctional system.~~

~~(b) To separate dangerous or repeat offenders from nondangerous offenders, who have potential for rehabilitation, and place dangerous offenders in secure and manageable institutions.~~

~~(c) When possible, to divert from expensive institutional commitment those individuals who, by virtue of professional diagnosis and evaluation, can be placed in less costly and more effective environments and programs better suited for their rehabilitation and the protection of society.~~

~~(d) To make available to those offenders who are capable of rehabilitation the job training and job placement assistance they need to build meaningful and productive lives when they return to the community.~~

~~(e) To provide intensive and meaningful supervision for those on probation so that the condition or situation which caused the person to commit the crime is corrected.~~

Section 35. Section 944.02, Florida Statutes, is amended to read:

944.02 Definitions.--The following words and phrases used in this chapter shall, unless the context clearly indicates otherwise, have the

following meanings:

~~(1) "Commission" means the Parole Commission.~~

~~(1)(2) "Correctional system" means all prisons and other state correctional institutions now existing or hereafter created under the jurisdiction of the Department of Corrections.~~

~~(2)(3) "Department" means the Department of Corrections.~~

~~(3)(4) "Elderly offender" means a prisoner age 50 or older in a state correctional institution or facility operated by the Department of Corrections or the Department of Management Services.~~

~~(4)(5) "Lease-purchase agreement" means an installment sales contract which requires regular payments with an interest charge included and which provides that the lessee receive title to the property upon final payment.~~

~~(5)(6) "Prisoner" means any person who is under civil or criminal arrest and in the lawful custody of any law enforcement official, or any person committed to or detained in any municipal or county jail or state prison, prison farm, or penitentiary, or to the custody of the department pursuant to lawful authority.~~

~~(6) "Regional parole board" means a regional parole board established pursuant to s. 20.32.~~

~~(7) "Secretary" means the Secretary of Corrections.~~

~~(8) "State correctional institution" means any prison, road camp, prison industry, prison forestry camp, or any prison camp or prison farm or other correctional facility, temporary or permanent, in which prisoners are housed, worked, or maintained, under the custody and jurisdiction of the department.~~

Section 36. Subsection (5) of section 944.024, Florida Statutes, is amended to read:

944.024 Adult intake and evaluation.--The state system of adult intake and evaluation shall include:

(5) The performance of postsentence intake by the department. Any physical facility established by the department for the intake and evaluation process prior to the offender's entry into the correctional system shall provide for specific office and work areas for the staff assisting any regional parole board of the commission. The purpose of such a physical center shall be to combine in one place as many of the rehabilitation-related functions as possible, including pretrial and posttrial evaluation, parole and probation services, vocational rehabilitation services, family assistance services of the Department of Children and Family Services, and all other rehabilitative and correctional services dealing with the offender.

Section 37. Section 944.23, Florida Statutes, is amended to read:

944.23 Persons authorized to visit state prisons.--The following persons shall be authorized to visit at their pleasure all state correctional institutions: The Governor, all Cabinet members, members of the Legislature, judges of state courts, state attorneys, and public defenders; ~~and authorized representatives of the commission~~. No other person not otherwise authorized by law shall be permitted to enter a state correctional institution except under such regulations as the department may prescribe. Permission shall not be unreasonably withheld from those who give sufficient evidence to the department that they are bona fide reporters or writers.

Section 38. Subsection (2) of section 944.291, Florida Statutes, is amended to read:

944.291 Prisoner released by reason of gain-time allowances or attainment of provisional release date.--

(2) Any prisoner who is convicted of a crime committed on or after October 1, 1988, which crime is contained in category 1, category 2, category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida Rules of Criminal Procedure, and who has served at least one prior felony commitment at a state or federal correctional institution, or is sentenced as a habitual or violent habitual offender pursuant to s. 775.084, may only be released under conditional release supervision as described in chapter 947. Not fewer than 90 days prior to the tentative release date or provisional release date, whichever is earlier, the department shall provide the original sentencing court ~~commission~~ with the name and

inmate identification number for each eligible inmate.

Section 39. Paragraph (b) of subsection (2) of section 944.4731, Florida Statutes, is amended to read:

944.4731 Addiction-Recovery Supervision Program.--

(2)

(b) An offender released under addiction-recovery supervision shall be subject to specified terms and conditions, including payment of the costs of supervision under s. 948.09 and any other court-ordered payments, such as child support and restitution. If an offender has received a term of probation or community control to be served after release from incarceration, the period of probation or community control may not be substituted for addiction-recovery supervision and shall follow the term of addiction-recovery supervision. ~~The original sentencing court~~ ~~A panel of not fewer than two parole commissioners~~ shall establish the terms and conditions of supervision, and the terms and conditions must be included in the supervision order. In setting the terms and conditions of supervision, the ~~court parole commission~~ shall weigh heavily the program requirements, including, but not limited to, work at paid employment while participating in treatment and traveling restrictions. The ~~court commission~~ shall also determine whether an offender violates the terms and conditions of supervision and whether a violation warrants revocation of addiction-recovery supervision pursuant to s. 947.141. The ~~court parole commission~~ shall review the offender's record for the purpose of establishing the terms and conditions of supervision. The ~~court parole commission~~ may impose any special conditions it considers warranted from its review of the record. The length of supervision may not exceed the maximum penalty imposed by the court.

Section 40. Paragraph (b) of subsection (1) and paragraph (b) of subsection (6) of section 945.091, Florida Statutes, are amended to read:

945.091 Extension of the limits of confinement; restitution by employed inmates.--

(1) The department may adopt rules permitting the extension of the limits of the place of confinement of an inmate as to whom there is reasonable cause to believe that the inmate will honor his or her trust by authorizing the inmate, under prescribed conditions and following investigation and approval by the secretary, or the secretary's designee, who shall maintain a written record of such action, to leave the confines of that place unaccompanied by a custodial agent for a prescribed period of time to:

(b) Work at paid employment, participate in an education or a training program, or voluntarily serve a public or nonprofit agency or faith-based service group in the community, while continuing as an inmate of the institution or facility in which the inmate is confined, except during the hours of his or her employment, education, training, or service and traveling thereto and therefrom. An inmate may travel to and from his or her place of employment, education, or training only by means of walking, bicycling, or using public transportation or transportation that is provided by a family member or employer. Contingent upon specific appropriations, the department may transport an inmate in a state-owned vehicle if the inmate is unable to obtain other means of travel to his or her place of employment, education, or training.

1. An inmate may participate in paid employment only during the last 36 months of his or her confinement, unless sooner requested by the ~~regional parole board having jurisdiction~~ ~~Parole Commission~~ or the Control Release Authority.

2. While working at paid employment and residing in the facility, an inmate may apply for placement at a contracted substance abuse transition housing program. The transition assistance specialist shall inform the inmate of program availability and assess the inmate's need and suitability for transition housing assistance. If an inmate is approved for placement, the specialist shall assist the inmate. If an inmate requests and is approved for placement in a contracted faith-based substance abuse transition housing program, the specialist must consult with the chaplain prior to such placement. The department shall ensure that an inmate's faith orientation, or lack thereof, will not be considered in determining

admission to a faith-based program and that the program does not attempt to convert an inmate toward a particular faith or religious preference.

(6)

(b) An offender who is required to provide restitution or reparation may petition the circuit court to amend the amount of restitution or reparation required or to revise the schedule of repayment established by the department, a regional parole board, or the Parole Commission.

Section 41. Paragraph (d) of subsection (1), paragraphs (a) and (b) of subsection (2), and subsection (5) of section 945.10, Florida Statutes, are amended to read:

945.10 Confidential information.--

(1) Except as otherwise provided by law or in this section, the following records and information held by the Department of Corrections are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(d) ~~Parole Commission~~ Records of a regional parole board that ~~which~~ are confidential or exempt from public disclosure by law.

(2) The records and information specified in paragraphs (1)(a)-(h) may be released as follows unless expressly prohibited by federal law:

(a) Information specified in paragraphs (1)(b), (d), and (f) to the Office of the Governor, the Legislature, a regional parole board ~~the Parole Commission~~, the Department of Children and Family Services, a private correctional facility or program that operates under a contract, the Department of Legal Affairs, a state attorney, the court, or a law enforcement agency. A request for records or information pursuant to this paragraph need not be in writing.

(b) Information specified in paragraphs (1)(c), (e), and (h) to the Office of the Governor, the Legislature, a regional parole board ~~the Parole Commission~~, the Department of Children and Family Services, a private correctional facility or program that operates under contract, the Department of Legal Affairs, a state attorney, the court, or a law enforcement agency. A request for records or information pursuant to this paragraph must be in writing and a statement provided demonstrating a need for the records or information.

Records and information released under this subsection remain confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution when held by the receiving person or entity.

(5) The Department of Corrections and the regional parole board ~~Parole Commission~~ shall mutually cooperate with respect to maintaining the confidentiality of records that are exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Section 42. Subsection (3) of section 945.47, Florida Statutes, is amended to read:

945.47 Discharge of inmate from mental health treatment.--

(3) At any time that an inmate who has received mental health treatment while in the custody of the department becomes eligible for release on parole, a complete record of the inmate's treatment shall be provided to the regional parole board having jurisdiction ~~Parole Commission~~ and to the Department of Children and Family Services. The record shall include, at least, the inmate's diagnosis, length of stay in treatment, clinical history, prognosis, prescribed medication, and treatment plan and recommendations for aftercare services. In the event that the inmate is released on parole, the record shall be provided to the parole officer who shall assist the inmate in applying for services from a professional or an agency in the community. The application for treatment and continuation of treatment by the inmate may be made a condition of parole, as provided in s. 947.19(1); and a failure to participate in prescribed treatment may be a basis for initiation of parole violation hearings.

Section 43. Subsection (6) of section 945.73, Florida Statutes, is amended to read:

945.73 Inmate training program operation.--

(6) The department shall work cooperatively with the Control Release Authority, the regional parole board ~~Florida Parole Commission~~, or such

other authority as may exist or be established in the future ~~that which~~ is empowered by law to effect the release of an inmate who has successfully completed the requirements established by ss. 945.71-945.74.

Section 44. Subsections (3), (4), and (5) of section 947.002, Florida Statutes, are amended to read:

947.002 Intent.--

~~(3) The chair shall be the agency head. While the commission is responsible for making decisions on the granting and revoking of parole, the chair shall establish, execute, and be held accountable for all administrative policy decisions. The routine administrative decisions are the full responsibility of the chair.~~

~~(4) Hearing examiners are assigned on the basis of caseload needs as determined by the chair.~~

~~(3)(5)~~ It is the intent of the Legislature that the decision to parole an inmate from the incarceration portion of the inmate's sentence is an act of grace of the state and shall not be considered a right.

Section 45. Subsection (1) of section 947.005, Florida Statutes, is amended to read:

947.005 Definitions.--As used in this chapter, unless the context clearly indicates otherwise:

(1) "Regional parole board" means a regional parole board established pursuant to 20.32 "Commission" means the Parole Commission.

Section 46. Subsections (1) through (4) of section 947.02, Florida Statutes, are amended, and subsection (6) is added to said section, read:

947.02 Regional parole boards ~~Parole Commission~~; members, appointment.--

(1) Except as provided in s. 947.021, the members of each regional parole board ~~the Parole Commission~~ shall be appointed by the Governor ~~and Cabinet~~ from a list of eligible applicants submitted by a parole qualifications committee. The appointments of members of the commission shall be certified to the Senate by the Governor ~~and Cabinet~~ for confirmation, and the membership of the commission shall include representation from minority persons as defined in s. 288.703.

(2) A parole qualifications committee shall consist of five persons who are appointed by the Governor ~~and Cabinet~~. One member shall be designated as chair by the Governor ~~and Cabinet~~. The committee shall provide for ~~statewide~~ advertisement throughout the region and the receiving of applications for any position or positions on the commission and shall devise a plan for the determination of the qualifications of the applicants by investigations and comprehensive evaluations, including, but not limited to, investigation and evaluation of the character, habits, and philosophy of each applicant. Each parole qualifications committee shall exist for 2 years. If additional vacancies on a regional parole board ~~the commission~~ occur during this 2-year period, the committee may advertise and accept additional applications; however, all previously submitted applications shall be considered along with the new applications according to the previously established plan for the evaluation of the qualifications of applicants.

(3) Within 90 days before an anticipated vacancy by expiration of term pursuant to s. 947.03 or upon any other vacancy, the Governor ~~and Cabinet~~ shall appoint a parole qualifications committee if one has not been appointed during the previous 2 years. The committee shall consider applications for the board vacancy ~~commission seat~~, including the application of an incumbent board member ~~commissioner~~ if he or she applies, according to the provisions of subsection (2). The committee shall submit a list of three eligible applicants, which may include the incumbent if the committee so decides, without recommendation, to the Governor ~~and Cabinet~~ for appointment to the board ~~commission~~. In the case of an unexpired term, the appointment must be for the remainder of the unexpired term and until a successor is appointed and qualified. If more than one seat is vacant, the committee shall submit a list of eligible applicants, without recommendation, containing a number of names equal to three times the number of vacant seats; however, the names submitted shall not be distinguished by seat, and each submitted applicant shall be considered eligible for each vacancy.

(4) Upon receiving a list of eligible persons from the parole

qualifications committee, the Governor ~~and Cabinet~~ may reject the list. If the list is rejected, the committee shall reinitiate the application and examination procedure according to the provisions of subsection (2).

(6) Members of the regional parole boards shall be volunteers and shall not receive compensation for their services. They shall, however, receive reimbursement for travel expenses and other expenses incurred in carrying out their official responsibilities as provided in s. 112.061.

Section 47. Section 947.021, Florida Statutes, is amended to read:

947.021 Regional parole boards ~~Parole Commission~~; expedited appointments.--Whenever the Legislature decreases the membership of the regional parole boards ~~commission~~, all terms of office shall expire, notwithstanding any law to the contrary. Under such circumstances, the Governor and Cabinet shall expedite the appointment of commissioners. Notwithstanding the parole qualifications committee procedure in s. 947.02, members shall be directly appointed by the Governor and Cabinet. Members appointed to the boards ~~commission~~ may be selected from incumbents. Members shall be certified to the Senate by the Governor and Cabinet for confirmation, and the membership of the commission shall include representation from minority persons as defined in s. 288.703.

Section 48. Subsections (2) through (7) and subsection (9) of section 947.1405, Florida Statutes, are amended to read:

947.1405 Conditional release program.--

(2) Any inmate who:

(a) Is convicted of a crime committed on or after October 1, 1988, and before January 1, 1994, and any inmate who is convicted of a crime committed on or after January 1, 1994, which crime is or was contained in category 1, category 2, category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida Rules of Criminal Procedure (1993), and who has served at least one prior felony commitment at a state or federal correctional institution;

(b) Is sentenced as a habitual or violent habitual offender or a violent career criminal pursuant to s. 775.084; or

(c) Is found to be a sexual predator under s. 775.21 or former s. 775.23,

shall, upon reaching the tentative release date or provisional release date, whichever is earlier, as established by the Department of Corrections, be released under supervision subject to specified terms and conditions, including payment of the cost of supervision pursuant to s. 948.09. Such supervision shall be applicable to all sentences within the overall term of sentences if an inmate's overall term of sentences includes one or more sentences that are eligible for conditional release supervision as provided herein. Effective July 1, 1994, and applicable for offenses committed on or after that date, the sentencing court ~~commission~~ may require, as a condition of conditional release, that the releasee make payment of the debt due and owing to a county or municipal detention facility under s. 951.032 for medical care, treatment, hospitalization, or transportation received by the releasee while in that detention facility. The court ~~commission~~, in determining whether to order such repayment and the amount of such repayment, shall consider the amount of the debt, whether there was any fault of the institution for the medical expenses incurred, the financial resources of the releasee, the present and potential future financial needs and earning ability of the releasee, and dependents, and other appropriate factors. ~~If~~ Any inmate placed on conditional release supervision shall be supervised by ~~is also subject to probation or community control, resulting from a probationary or community control split sentence within the overall term of sentences,~~ the Department of Corrections which shall supervise such person according to the conditions imposed by the court ~~and the commission shall defer to such supervision~~. If the court revokes probation or community control and resentsences the offender to a term of incarceration, such revocation also constitutes a sufficient basis for the revocation of the conditional release supervision on any nonprobationary or noncommunity control sentence without further hearing ~~by the commission~~. If any such supervision on any nonprobationary or noncommunity control sentence is revoked, such

revocation may result in a forfeiture of all gain-time, and the ~~court commission~~ may revoke the resulting deferred conditional release supervision or take other action it considers appropriate. If the term of conditional release supervision exceeds that of the probation or community control, then, upon expiration of the probation or community control, ~~authority for the supervision shall revert to the commission and~~ the supervision shall be subject to the conditions of conditional release imposed by the ~~court commission~~. ~~The original sentencing court~~ ~~A panel of no fewer than two commissioners~~ shall establish the terms and conditions of conditional release at the time of initial sentencing or prior to release of the inmate if terms and conditions were not established at the initial sentencing ~~any such release~~. ~~The court may alter the original terms of conditional release at any time based on any additional information that may become available~~. If the offense was a controlled substance violation, the conditions shall include a requirement that the offender submit to random substance abuse testing intermittently throughout the term of conditional release supervision, upon the direction of the correctional probation officer as defined in s. 943.10(3). The ~~court commission~~ shall also determine whether the terms and conditions of such release have been violated and whether such violation warrants revocation of the conditional release.

(3) As part of the conditional release process, the ~~court commission~~, through review and consideration of information provided by the ~~state attorney, victim, and~~ department, shall determine:

(a) The amount of reparation or restitution.  
 (b) The consequences of the offense as reported by the aggrieved party.

(c) The aggrieved party's fear of the inmate or concerns about the release of the inmate.

(4) The ~~department commission~~ shall provide to the aggrieved party information regarding the manner in which notice of any developments concerning the status of the inmate during the term of conditional release may be requested.

(5) Within 180 days prior to the tentative release date or provisional release date, whichever is earlier, a representative of the department shall review the inmate's program participation, disciplinary record, psychological and medical records, criminal records, and any other information pertinent to the impending release ~~and shall provide this information to the original sentencing court~~. ~~The department shall gather and compile information necessary for the commission to make the determinations set forth in subsection (3). This shall include information developed during~~ ~~A department representative shall conduct a personal interview with the inmate for the purpose of determining the details of the inmate's release plan, including the inmate's planned residence and employment. The department representative shall forward the inmate's release plan to the court commission and recommend terms and conditions of conditional release or any modifications to the original commission the terms and conditions of the conditional release established by the court.~~

(6) The ~~court commission~~ shall review the recommendations of the department, and such other information as it deems relevant, and may conduct a review of the inmate's record for the purpose of ~~modifying or~~ establishing the terms and conditions of the conditional release. The ~~court commission~~ may impose any special conditions it considers warranted from its review of the release plan and recommendation. If the ~~court commission~~ determines that the inmate is eligible for release under this section, ~~it the commission~~ shall enter an order establishing the length of supervision and the conditions attendant thereto. However, an inmate who has been convicted of a violation of chapter 794 or found by the court to be a sexual predator is subject to the maximum level of supervision provided, with the mandatory conditions as required in subsection (7), and that supervision shall continue through the end of the releasee's original court-imposed sentence. The length of supervision must not exceed the maximum penalty imposed by the court.

(7)(a) Any inmate who is convicted of a crime committed on or after October 1, 1995, or who has been previously convicted of a crime

committed on or after October 1, 1995, in violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, and is subject to conditional release supervision, shall have, in addition to any other conditions imposed, the following special conditions imposed by the ~~commission~~:

1. A mandatory curfew from 10 p.m. to 6 a.m. The ~~court commission~~ may designate another 8-hour period if the offender's employment precludes the above specified time, and such alternative is recommended by the Department of Corrections. If the ~~court commission~~ determines that imposing a curfew would endanger the victim, the commission may consider alternative sanctions.

2. If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, day care center, park, playground, designated public school bus stop, or other place where children regularly congregate. A releasee who is subject to this subparagraph may not relocate to a residence that is within 1,000 feet of a public school bus stop. Beginning October 1, 2004, ~~the commission or~~ the department may not approve a residence that is located within 1,000 feet of a school, day care center, park, playground, designated school bus stop, or other place where children regularly congregate for any releasee who is subject to this subparagraph. On October 1, 2004, the department shall notify each affected school district of the location of the residence of a releasee 30 days prior to release and thereafter, if the releasee relocates to a new residence, shall notify any affected school district of the residence of the releasee within 30 days after relocation. If, on October 1, 2004, any public school bus stop is located within 1,000 feet of the existing residence of such releasee, the district school board shall relocate that school bus stop. Beginning October 1, 2004, a district school board may not establish or relocate a public school bus stop within 1,000 feet of the residence of a releasee who is subject to this subparagraph. The failure of the district school board to comply with this subparagraph shall not result in a violation of conditional release supervision.

3. Active participation in and successful completion of a sex offender treatment program with therapists specifically trained to treat sex offenders, at the releasee's own expense. If a specially trained therapist is not available within a 50-mile radius of the releasee's residence, the offender shall participate in other appropriate therapy.

4. A prohibition on any contact with the victim, directly or indirectly, including through a third person, unless approved by the victim, the offender's therapist, and the sentencing court.

5. If the victim was under the age of 18, a prohibition against direct contact or association with children under the age of 18 until all of the following conditions are met:

a. Successful completion of a sex offender treatment program.  
 b. The adult person who is legally responsible for the welfare of the child has been advised of the nature of the crime.  
 c. Such adult person is present during all contact or association with the child.

d. Such adult person has been approved by the commission.

6. If the victim was under age 18, a prohibition on working for pay or as a volunteer at any school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the commission.

7. Unless otherwise indicated in the treatment plan provided by the sexual offender treatment program, a prohibition on viewing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs, or computer services that are relevant to the offender's deviant behavior pattern.

8. A requirement that the releasee must submit two specimens of blood to the Florida Department of Law Enforcement to be registered with the DNA database.

9. A requirement that the releasee make restitution to the victim, as determined by the sentencing court or the commission, for all necessary medical and related professional services relating to physical, psychiatric, and psychological care.

10. Submission to a warrantless search by the community control or

probation officer of the probationer's or community controllee's person, residence, or vehicle.

(b) For a releasee whose crime was committed on or after October 1, 1997, in violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, and who is subject to conditional release supervision, in addition to any other provision of this subsection, the ~~commission shall impose the following additional conditions of conditional release supervision are hereby imposed:~~

1. As part of a treatment program, participation in a minimum of one annual polygraph examination to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. The polygraph examination must be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and at the expense of the sex offender. The results of the polygraph examination shall not be used as evidence in a hearing to prove that a violation of supervision has occurred.

2. Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.

3. A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.

4. If there was sexual contact, a submission to, at the probationer's or community controllee's expense, an HIV test with the results to be released to the victim or the victim's parent or guardian.

5. Electronic monitoring of any form when ordered by the commission.

(9) The ~~department commission~~ shall adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to implement the provisions of the Conditional Release Program Act.

Section 49. Section 947.141, Florida Statutes, is amended to read:

947.141 Violations of conditional release, control release, or conditional medical release or addiction-recovery supervision.--

(1) If ~~a member of the court commission or a duly authorized representative of the commission~~ has reasonable grounds to believe that an offender who is on release supervision under s. 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated the terms and conditions of the release in a material respect, ~~the court such member or representative~~ may cause a warrant to be issued for the arrest of the releasee; if the offender was found to be a sexual predator, the warrant must be issued.

(2) Upon the arrest on a felony charge of an offender who is on release supervision under s. 947.1405, s. 947.146, s. 947.149, or s. 944.4731, the offender must be detained without bond until the initial appearance of the offender at which a judicial determination of probable cause is made. If the trial court judge determines that there was no probable cause for the arrest, the offender may be released. If the trial court judge determines that there was probable cause for the arrest, such determination also constitutes reasonable grounds to believe that the offender violated the conditions of the release. Within 24 hours after the trial court judge's finding of probable cause, the detention facility administrator or designee shall notify the ~~commission and the~~ department of the finding and transmit to each a facsimile copy of the probable cause affidavit or the sworn offense report upon which the trial court judge's probable cause determination is based. The offender must continue to be detained without bond for a period not exceeding 72 hours excluding weekends and holidays after the date of the probable cause determination, pending a decision by the ~~court commission~~ whether to issue a warrant charging the offender with violation of the conditions of release. Upon the issuance of the ~~court's commission's~~ warrant, the offender must continue to be held in custody pending a revocation hearing held in accordance with this section.

(3) Within 45 days after ~~notice to the Parole Commission of~~ the arrest of a releasee charged with a violation of the terms and conditions of conditional release, control release, conditional medical release, or addiction-recovery supervision, the releasee must be afforded a hearing conducted by a ~~judge commissioner~~ or a duly authorized representative thereof. If the releasee elects to proceed with a hearing, the releasee must

be informed orally and in writing of the following:

(a) The alleged violation with which the releasee is charged.

(b) The releasee's right to be represented by counsel.

(c) The releasee's right to be heard in person.

(d) The releasee's right to secure, present, and compel the attendance of witnesses relevant to the proceeding.

(e) The releasee's right to produce documents on the releasee's own behalf.

(f) The releasee's right of access to all evidence used against the releasee and to confront and cross-examine adverse witnesses.

(g) The releasee's right to waive the hearing.

(4) Within a reasonable time following the hearing, the ~~judge commissioner~~ or the ~~judge's commissioner's~~ duly authorized representative who conducted the hearing shall make findings of fact in regard to the alleged violation. ~~The judge~~ A panel of no fewer than two commissioners shall enter an order determining whether the charge of violation of conditional release, control release, conditional medical release, or addiction-recovery supervision has been sustained based upon ~~his or her the findings of fact or by the findings of the duly presented by the hearing commissioner or~~ authorized representative. By such order, the ~~court panel~~ may revoke conditional release, control release, conditional medical release, or addiction-recovery supervision and thereby return the releasee to prison to serve the sentence imposed, reinstate the original order granting the release, or enter such other order as it considers proper. Effective for inmates whose offenses were committed on or after July 1, 1995, the ~~court panel~~ may order the placement of a releasee, upon a finding of violation pursuant to this subsection, into a local detention facility as a condition of supervision.

(5) Effective for inmates whose offenses were committed on or after July 1, 1995, notwithstanding the provisions of ss. 775.08, former 921.001, 921.002, 921.187, 921.188, 944.02, and 951.23, or any other law to the contrary, by such order as provided in subsection (4), the ~~court panel~~, upon a finding of guilt, may, as a condition of continued supervision, place the releasee in a local detention facility for a period of incarceration not to exceed 22 months. Prior to the expiration of the term of incarceration, or upon recommendation of the chief correctional officer of that county, the ~~court commission~~ shall cause inquiry into the inmate's release plan and custody status in the detention facility and consider whether to restore the inmate to supervision, modify the conditions of supervision, or enter an order of revocation, thereby causing the return of the inmate to prison to serve the sentence imposed. The provisions of this section do not prohibit the ~~court panel~~ from entering such other order or conducting any investigation that it deems proper. The ~~court commission~~ may only place a person in a local detention facility pursuant to this section if there is a contractual agreement between the chief correctional officer of that county and the Department of Corrections. The agreement must provide for a per diem reimbursement for each person placed under this section, which is payable by the Department of Corrections for the duration of the offender's placement in the facility. This section does not limit the ~~court's commission's~~ ability to place a person in a local detention facility for less than 1 year.

(6) Whenever a conditional release, control release, conditional medical release, or addiction-recovery supervision is revoked as provided by this section by a panel of no fewer than two commissioners and the releasee is ordered to be returned to prison, the releasee, by reason of the misconduct, shall be deemed to have forfeited all gain-time or commutation of time for good conduct, as provided for by law, earned up to the date of release. However, if a conditional medical release is revoked due to the improved medical or physical condition of the releasee, the releasee shall not forfeit gain-time accrued before the date of conditional medical release. This subsection does not deprive the prisoner of the right to gain-time or commutation of time for good conduct, as provided by law, from the date of return to prison.

(7) If a law enforcement officer has probable cause to believe that an offender who is on release supervision under s. 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated the terms and conditions of his or

her release by committing a felony offense, the officer shall arrest the offender without a warrant, and a warrant need not be issued in the case.

Section 50. Subsection (1) and paragraph (b) of subsection (7) of section 947.146, Florida Statutes, are amended to read:

947.146 Control Release Authority.--

(1) There ~~may be~~ ~~is~~ created a Control Release Authority ~~to be administratively housed within the Department of Corrections~~ which shall be composed of ~~five~~ ~~the~~ members ~~appointed by the Governor who shall also designate the chair of the Parole Commission and which shall have the same chair as the commission.~~ The authority shall ~~use~~ ~~utilize~~ such ~~commission~~ staff ~~from the Department of Corrections~~ as it determines is necessary to carry out its purposes.

(7) The authority has the power and duty to:

(b) Authorize an individual ~~member of the authority~~ ~~commissioner~~ to postpone a control release date for not more than 60 days without a hearing for any inmate who has become the subject of a disciplinary proceeding, a criminal arrest, an information, or an indictment; who has been terminated from work release; or about whom there is any recently discovered information as specified in paragraph (a).

Section 51. Section 947.181, Florida Statutes, is amended to read:

947.181 Victim restitution as condition of parole.--

(1)(a) The ~~regional parole boards~~ ~~Parole Commission~~ shall require as a condition of parole reparation or restitution to the aggrieved party for the damage or loss caused by the offense for which the parolee was imprisoned unless the commission finds reasons to the contrary. If ~~a regional parole board~~ ~~the commission~~ does not order restitution or orders only partial restitution, the ~~board~~ ~~commission~~ shall state on the record the reasons therefor. The amount of such reparation or restitution shall be determined by the ~~regional parole board having jurisdiction~~ ~~Parole Commission~~.

(b) If the parolee fails to make the reparation or restitution to the aggrieved party as authorized in paragraph (a), it shall be considered by the ~~court~~ ~~commission~~ as a violation of parole as specified in s. 947.21 and may be cause for revocation of her or his parole.

(2) If a defendant is paroled, any restitution ordered under s. 775.089 shall be a condition of such parole. The ~~court~~ ~~Parole Commission~~ may revoke parole if the defendant fails to comply with such order. In determining whether to revoke parole, the ~~court~~ ~~Parole Commission~~ shall consider the defendant's employment status, earning ability, and financial resources; the willfulness of the defendant's failure to pay; and any other special circumstances that may have a bearing on the defendant's ability to pay.

Section 52. Section 947.185, Florida Statutes, is amended to read:

947.185 Application for mental retardation services as condition of parole.--~~A regional parole board~~ ~~The Parole Commission~~ may require as a condition of parole that any inmate who has been diagnosed as mentally retarded as defined in s. 393.063 shall, upon release, apply for retardation services from the Department of Children and Family Services.

Section 53. Subsections (1) and (2) of section 947.22, Florida Statutes, are amended to read:

947.22 Authority to arrest parole violators with or without warrant.--

(1) If a ~~court~~ ~~member of the commission or a duly authorized representative of the commission~~ has reasonable grounds to believe that a parolee has violated the terms and conditions of her or his parole in a material respect, ~~it such member or representative~~ may issue a warrant for the arrest of such parolee. The warrant shall be returnable before ~~the court~~ ~~a member of the commission or a duly authorized representative of the commission.~~ The ~~court~~ ~~commission~~, ~~a commissioner~~, ~~or a parole examiner with approval of the parole examiner supervisor~~, may release the parolee on bail or her or his own recognizance, conditioned upon her or his appearance at any hearings noticed by the commission. If not released on bail or her or his own recognizance, the parolee shall be committed to jail pending hearings pursuant to s. 947.23. ~~The commission, at its election, may have the hearing conducted by one or more commissioners or by a duly authorized representative of the commission.~~ Any parole and probation officer, any officer authorized to

serve criminal process, or any peace officer of this state is authorized to execute the warrant.

(2) Any parole and probation officer, when she or he has reasonable ground to believe that a parolee, control releasee, or conditional releasee has violated the terms and conditions of her or his parole, control release, or conditional release in a material respect, has the right to arrest the releasee or parolee without warrant and bring her or him forthwith before ~~a court~~ ~~one or more commissioners or a duly authorized representative of the Parole Commission or Control Release Authority;~~ and proceedings shall thereupon be had as provided ~~herein~~ ~~when a warrant has been issued by a member of the commission or authority or a duly authorized representative of the commission or authority.~~

Section 54. Paragraph (a) of subsection (1) and subsections (3) and (6) of section 948.09, Florida Statutes, are amended to read:

948.09 Payment for cost of supervision and rehabilitation.--

(1)(a)1. Any person ordered by the court ~~or~~ ~~the Department of Corrections, or the parole commission~~ to be placed on probation, drug offender probation, community control, parole, control release, provisional release supervision, addiction-recovery supervision, or conditional release supervision under chapter 944, chapter 945, chapter 947, chapter 948, or chapter 958, or in a pretrial intervention program, must, as a condition of any placement, pay the department a total sum of money equal to the total month or portion of a month of supervision times the court-ordered amount, but not to exceed the actual per diem cost of the supervision. The department shall adopt rules by which an offender who pays in full and in advance of regular termination of supervision may receive a reduction in the amount due. The rules shall incorporate provisions by which the offender's ability to pay is linked to an established written payment plan. Funds collected from felony offenders may be used to offset costs of the Department of Corrections associated with community supervision programs, subject to appropriation by the Legislature.

2. In addition to any other contribution or surcharge imposed by this section, each felony offender assessed under this paragraph shall pay a \$2-per-month surcharge to the department. The surcharge shall be deemed to be paid only after the full amount of any monthly payment required by the established written payment plan has been collected by the department. These funds shall be used by the department to pay for correctional probation officers' training and equipment, including radios, and firearms training, firearms, and attendant equipment necessary to train and equip officers who choose to carry a concealed firearm while on duty. Nothing in this subparagraph shall be construed to limit the department's authority to determine who shall be authorized to carry a concealed firearm while on duty, or to limit the right of a correctional probation officer to carry a personal firearm approved by the department.

(3) Any failure to pay contribution as required under this section may constitute a ground for the revocation of probation, ~~parole, or conditional release by the court, the revocation of parole or conditional release by the Parole Commission, the revocation of control release by the Control Release Authority,~~ or removal from the pretrial intervention program by the state attorney. The Department of Corrections may exempt a person from the payment of all or any part of the contribution if it finds any of the following factors to exist:

(a) The offender has diligently attempted, but has been unable, to obtain employment which provides him or her sufficient income to make such payments.

(b) The offender is a student in a school, college, university, or course of career training designed to fit the student for gainful employment. Certification of such student status shall be supplied to the Secretary of Corrections by the educational institution in which the offender is enrolled.

(c) The offender has an employment handicap, as determined by a physical, psychological, or psychiatric examination acceptable to, or ordered by, the secretary.

(d) The offender's age prevents him or her from obtaining employment.

(e) The offender is responsible for the support of dependents, and the payment of such contribution constitutes an undue hardship on the offender.

(f) The offender has been transferred outside the state under an interstate compact adopted pursuant to chapter 949.

(g) There are other extenuating circumstances, as determined by the secretary.

(6) In addition to any other required contributions, the department, at its discretion, may require offenders under any form of supervision to submit to and pay for urinalysis testing to identify drug usage as part of the rehabilitation program. Any failure to make such payment, or participate, may be considered a ground for revocation by the court, ~~the Parole Commission, or the Control Release Authority~~, or for removal from the pretrial intervention program by the state attorney. The department may exempt a person from such payment if it determines that any of the factors specified in subsection (3) exist.

Section 55. Subsection (1) of section 948.10, Florida Statutes, is amended to read:

948.10 Community control programs.--

(1) The Department of Corrections shall develop and administer a community control program. Such community control program and required manuals shall be developed in consultation with the Florida Conference of Circuit Court Judges and the office of the State Courts Administrator. This complementary program shall be rigidly structured and designed to accommodate offenders who, in the absence of such a program, would have been incarcerated. The program shall focus on the provision of sanctions and consequences which are commensurate with the seriousness of the crime. The program shall offer the courts ~~and the Parole Commission~~ an alternative, community-based method to punish an offender in lieu of incarceration when the offender is a member of one of the following target groups:

(a) Probation violators charged with technical violations or misdemeanor violations.

(b) Parole violators charged with technical violations or misdemeanor violations.

(c) Individuals found guilty of felonies, who, due to their criminal backgrounds or the seriousness of the offenses, would not be placed on regular probation.

Section 56. Section 949.05, Florida Statutes, is amended to read:

949.05 Constitutionality.--

(H) If any clause, sentence, paragraph, section, or part of chapters 947-949 shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional, invalid, or void, such judgment shall not affect, impair, or invalidate the remainder of the law, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

(2) ~~If the method of selecting the commission members as herein provided is found to be invalid by reason of the vesting of the appointing power in the Governor and the Cabinet, the members of the Parole Commission herein provided for shall be appointed by the Governor.~~

Section 57. Subsection (6) of section 957.06, Florida Statutes, is amended to read:

957.06 Powers and duties not delegable to contractor.--A contract entered into under this chapter does not authorize, allow, or imply a delegation of authority to the contractor to:

(6) Make recommendations to a regional parole board ~~the Parole Commission~~ with respect to the denial or granting of parole, control release, conditional release, or conditional medical release. However, the contractor may submit written reports to a regional parole board ~~the Parole Commission~~ and must respond to a written request by a regional parole board ~~the Parole Commission~~ for information.

Section 58. Paragraph (c) of subsection (8) of section 958.045, Florida Statutes, is amended to read:

958.045 Youthful offender basic training program.--

(8)

(c) The department shall work cooperatively with the Control Release Authority or the regional parole board having jurisdiction ~~Parole Commission~~ to effect the release of an offender who has successfully completed the requirements of the basic training program.

Section 59. Subsection (1) of section 960.001, Florida Statutes, is amended to read:

960.001 Guidelines for fair treatment of victims and witnesses in the criminal justice and juvenile justice systems.--

(1) The Department of Legal Affairs, the state attorneys, the Department of Corrections, the Department of Juvenile Justice, ~~the Parole Commission~~, the State Courts Administrator and circuit court administrators, the Department of Law Enforcement, and every sheriff's department, police department, or other law enforcement agency as defined in s. 943.10(4) shall develop and implement guidelines for the use of their respective agencies, which guidelines are consistent with the purposes of this act and s. 16(b), Art. I of the State Constitution and are designed to implement the provisions of s. 16(b), Art. I of the State Constitution and to achieve the following objectives:

(a) Information concerning services available to victims of adult and juvenile crime.--As provided in s. 27.0065, state attorneys and public defenders shall gather information regarding the following services in the geographic boundaries of their respective circuits and shall provide such information to each law enforcement agency with jurisdiction within such geographic boundaries. Law enforcement personnel shall ensure, through distribution of a victim's rights information card or brochure at the crime scene, during the criminal investigation, and in any other appropriate manner, that victims are given, as a matter of course at the earliest possible time, information about:

1. The availability of crime victim compensation, when applicable;

2. Crisis intervention services, supportive or bereavement counseling, social service support referrals, and community-based victim treatment programs;

3. The role of the victim in the criminal or juvenile justice process, including what the victim may expect from the system as well as what the system expects from the victim;

4. The stages in the criminal or juvenile justice process which are of significance to the victim and the manner in which information about such stages can be obtained;

5. The right of a victim, who is not incarcerated, including the victim's parent or guardian if the victim is a minor, the lawful representative of the victim or of the victim's parent or guardian if the victim is a minor, and the next of kin of a homicide victim, to be informed, to be present, and to be heard when relevant, at all crucial stages of a criminal or juvenile proceeding, to the extent that this right does not interfere with constitutional rights of the accused, as provided by s. 16(b), Art. I of the State Constitution;

6. In the case of incarcerated victims, the right to be informed and to submit written statements at all crucial stages of the criminal proceedings, parole proceedings, or juvenile proceedings; and

7. The right of a victim to a prompt and timely disposition of the case in order to minimize the period during which the victim must endure the responsibilities and stress involved to the extent that this right does not interfere with the constitutional rights of the accused.

(b) Information for purposes of notifying victim or appropriate next of kin of victim or other designated contact of victim.--In the case of a homicide, pursuant to chapter 782; or a sexual offense, pursuant to chapter 794; or an attempted murder or sexual offense, pursuant to chapter 777; or stalking, pursuant to s. 784.048; or domestic violence, pursuant to s. 25.385:

1. The arresting law enforcement officer or personnel of an organization that provides assistance to a victim or to the appropriate next of kin of the victim or other designated contact must request that the victim or appropriate next of kin of the victim or other designated contact complete a victim notification card. However, the victim or appropriate next of kin of the victim or other designated contact may choose not to complete the victim notification card.

2. Unless the victim or the appropriate next of kin of the victim or other designated contact waives the option to complete the victim notification card, a copy of the victim notification card must be filed with the incident report or warrant in the sheriff's office of the jurisdiction in which the incident report or warrant originated. The notification card shall, at a minimum, consist of:

- a. The name, address, and phone number of the victim; or
- b. The name, address, and phone number of the appropriate next of kin of the victim; or
- c. The name, address, and phone number of a designated contact other than the victim or appropriate next of kin of the victim; and
- d. Any relevant identification or case numbers assigned to the case.

3. The chief administrator, or a person designated by the chief administrator, of a county jail, municipal jail, juvenile detention facility, or residential commitment facility shall make a reasonable attempt to notify the alleged victim or appropriate next of kin of the alleged victim or other designated contact within 4 hours following the release of the defendant on bail or, in the case of a juvenile offender, upon the release from residential detention or commitment. If the chief administrator, or designee, is unable to contact the alleged victim or appropriate next of kin of the alleged victim or other designated contact by telephone, the chief administrator, or designee, must send to the alleged victim or appropriate next of kin of the alleged victim or other designated contact a written notification of the defendant's release.

4. Unless otherwise requested by the victim or the appropriate next of kin of the victim or other designated contact, the information contained on the victim notification card must be sent by the chief administrator, or designee, of the appropriate facility to the subsequent correctional or residential commitment facility following the sentencing and incarceration of the defendant, and unless otherwise requested by the victim or the appropriate next of kin of the victim or other designated contact, he or she must be notified of the release of the defendant from incarceration as provided by law.

5. If the defendant was arrested pursuant to a warrant issued or taken into custody pursuant to s. 985.207 in a jurisdiction other than the jurisdiction in which the defendant is being released, and the alleged victim or appropriate next of kin of the alleged victim or other designated contact does not waive the option for notification of release, the chief correctional officer or chief administrator of the facility releasing the defendant shall make a reasonable attempt to immediately notify the chief correctional officer of the jurisdiction in which the warrant was issued or the juvenile was taken into custody pursuant to s. 985.207, and the chief correctional officer of that jurisdiction shall make a reasonable attempt to notify the alleged victim or appropriate next of kin of the alleged victim or other designated contact, as provided in this paragraph, that the defendant has been or will be released.

(c) Information concerning protection available to victim or witness.--A victim or witness shall be furnished, as a matter of course, with information on steps that are available to law enforcement officers and state attorneys to protect victims and witnesses from intimidation. Victims of domestic violence shall also be given information about the address confidentiality program provided under s. 741.403.

(d) Notification of scheduling changes.--Each victim or witness who has been scheduled to attend a criminal or juvenile justice proceeding shall be notified as soon as possible by the agency scheduling his or her appearance of any change in scheduling which will affect his or her appearance.

(e) Advance notification to victim or relative of victim concerning judicial proceedings; right to be present.--Any victim, parent, guardian, or lawful representative of a minor who is a victim, or relative of a homicide victim shall receive from the appropriate agency, at the address found in the police report or the victim notification card if such has been provided to the agency, prompt advance notification, unless the agency itself does not have advance notification, of judicial and postjudicial proceedings relating to his or her case, including all proceedings or hearings relating to:

1. The arrest of an accused;
2. The release of the accused pending judicial proceedings or any modification of release conditions; and
3. Proceedings in the prosecution and petition for delinquency of the accused, including the filing of the accusatory instrument, the arraignment, disposition of the accusatory instrument, trial or adjudicatory hearing, sentencing or disposition hearing, appellate review, subsequent modification of sentence, collateral attack of a judgment, and, when a term of imprisonment, detention, or residential commitment is imposed, the release of the defendant or juvenile offender from such imprisonment, detention, or residential commitment by expiration of sentence or parole and any meeting held to consider such release.

A victim, a victim's parent or guardian if the victim is a minor, a lawful representative of the victim or of the victim's parent or guardian if the victim is a minor, or a victim's next of kin may not be excluded from any portion of any hearing, trial, or proceeding pertaining to the offense based solely on the fact that such person is subpoenaed to testify, unless, upon motion, the court determines such person's presence to be prejudicial. The appropriate agency with respect to notification under subparagraph 1. is the arresting law enforcement agency, and the appropriate agency with respect to notification under subparagraphs 2. and 3. is the Attorney General or state attorney, unless the notification relates to a hearing concerning parole, in which case the appropriate agency is the Office of the Attorney General Parole Commission. The Department of Corrections, the Department of Juvenile Justice, or the sheriff is the appropriate agency with respect to release by expiration of sentence or any other release program provided by law. Any victim may waive notification at any time, and such waiver shall be noted in the agency's files.

(f) Information concerning release from incarceration from a county jail, municipal jail, juvenile detention facility, or residential commitment facility.--The chief administrator, or a person designated by the chief administrator, of a county jail, municipal jail, juvenile detention facility, or residential commitment facility shall, upon the request of the victim or the appropriate next of kin of a victim or other designated contact of the victim of any of the crimes specified in paragraph (b), make a reasonable attempt to notify the victim or appropriate next of kin of the victim or other designated contact prior to the defendant's or offender's release from incarceration, detention, or residential commitment if the victim notification card has been provided pursuant to paragraph (b). If prior notification is not successful, a reasonable attempt must be made to notify the victim or appropriate next of kin of the victim or other designated contact within 4 hours following the release of the defendant or offender from incarceration, detention, or residential commitment. If the defendant is released following sentencing, disposition, or furlough, the chief administrator or designee shall make a reasonable attempt to notify the victim or the appropriate next of kin of the victim or other designated contact within 4 hours following the release of the defendant. If the chief administrator or designee is unable to contact the victim or appropriate next of kin of the victim or other designated contact by telephone, the chief administrator or designee must send to the victim or appropriate next of kin of the victim or other designated contact a written notification of the defendant's or offender's release.

(g) Consultation with victim or guardian or family of victim.--

1. In addition to being notified of the provisions of s. 921.143, the victim of a felony involving physical or emotional injury or trauma or, in a case in which the victim is a minor child or in a homicide, the guardian or family of the victim shall be consulted by the state attorney in order to obtain the views of the victim or family about the disposition of any criminal or juvenile case brought as a result of such crime, including the views of the victim or family about:

- a. The release of the accused pending judicial proceedings;
- b. Plea agreements;
- c. Participation in pretrial diversion programs; and
- d. Sentencing of the accused.



2. Upon request, the state attorney shall permit the victim, the victim's parent or guardian if the victim is a minor, the lawful representative of the victim or of the victim's parent or guardian if the victim is a minor, or the victim's next of kin in the case of a homicide to review a copy of the presentence investigation report prior to the sentencing hearing if one was completed. Any confidential information that pertains to medical history, mental health, or substance abuse and any information that pertains to any other victim shall be redacted from the copy of the report. Any person who reviews the report pursuant to this paragraph must maintain the confidentiality of the report and shall not disclose its contents to any person except statements made to the state attorney or the court.

3. When an inmate has been approved for community work release, the Department of Corrections shall, upon request and as provided in s. 944.605, notify the victim, the victim's parent or guardian if the victim is a minor, the lawful representative of the victim or of the victim's parent or guardian if the victim is a minor, or the victim's next of kin if the victim is a homicide victim.

(h) Return of property to victim.--Law enforcement agencies and the state attorney shall promptly return a victim's property held for evidentiary purposes unless there is a compelling law enforcement reason for retaining it. The trial or juvenile court exercising jurisdiction over the criminal or juvenile proceeding may enter appropriate orders to implement the provisions of this subsection, including allowing photographs of the victim's property to be used as evidence at the criminal trial or the juvenile proceeding in place of the victim's property when no substantial evidentiary issue related thereto is in dispute.

(i) Notification to employer and explanation to creditors of victim or witness.--A victim or witness who so requests shall be assisted by law enforcement agencies and the state attorney in informing his or her employer that the need for victim and witness cooperation in the prosecution of the case may necessitate the absence of that victim or witness from work. A victim or witness who, as a direct result of a crime or of his or her cooperation with law enforcement agencies or a state attorney, is subjected to serious financial strain shall be assisted by such agencies and state attorney in explaining to the creditors of such victim or witness the reason for such serious financial strain.

(j) Notification of right to request restitution.--Law enforcement agencies and the state attorney shall inform the victim of the victim's right to request and receive restitution pursuant to s. 775.089 or s. 985.231(1)(a)1., and of the victim's rights of enforcement under ss. 775.089(6) and 985.201 in the event an offender does not comply with a restitution order. The state attorney shall seek the assistance of the victim in the documentation of the victim's losses for the purpose of requesting and receiving restitution. In addition, the state attorney shall inform the victim if and when restitution is ordered. If an order of restitution is converted to a civil lien or civil judgment against the defendant, the clerks shall make available at their office, as well as on their website, information provided by the Secretary of State, the court, or The Florida Bar on enforcing the civil lien or judgment.

(k) Notification of right to submit impact statement.--The state attorney shall inform the victim of the victim's right to submit an oral or written impact statement pursuant to s. 921.143 and shall assist in the preparation of such statement if necessary.

(l) Local witness coordination services.--The requirements for notification provided for in paragraphs (c), (d), and (i) may be performed by the state attorney or public defender for their own witnesses.

(m) Victim assistance education and training.--Victim assistance education and training shall be offered to persons taking courses at law enforcement training facilities and to state attorneys and assistant state attorneys so that victims may be promptly, properly, and completely assisted.

(n) General victim assistance.--Victims and witnesses shall be provided with such other assistance, such as transportation, parking, separate pretrial waiting areas, and translator services in attending court, as is practicable.

(o) Victim's rights information card or brochure.--A victim of a crime

shall be provided with a victim's rights information card or brochure containing essential information concerning the rights of a victim and services available to a victim as required by state law.

(p) Information concerning escape from a state correctional institution, county jail, juvenile detention facility, or residential commitment facility.--In any case where an offender escapes from a state correctional institution, private correctional facility, county jail, juvenile detention facility, or residential commitment facility, the institution of confinement shall immediately notify the state attorney of the jurisdiction where the criminal charge or petition for delinquency arose and the judge who imposed the sentence of incarceration. The state attorney shall thereupon make every effort to notify the victim, material witness, parents or legal guardian of a minor who is a victim or witness, or immediate relatives of a homicide victim of the escapee. The state attorney shall also notify the sheriff of the county where the criminal charge or petition for delinquency arose. The sheriff shall offer assistance upon request. When an escaped offender is subsequently captured or is captured and returned to the institution of confinement, the institution of confinement shall again immediately notify the appropriate state attorney and sentencing judge pursuant to this section.

(q) Presence of victim advocate during discovery deposition; testimony of victim of a sexual offense.--At the request of the victim or the victim's parent, guardian, or lawful representative, the victim advocate designated by state attorney's office, sheriff's office, or municipal police department, or one representative from a not-for-profit victim services organization, including, but not limited to, rape crisis centers, domestic violence advocacy groups, and alcohol abuse or substance abuse groups shall be permitted to attend and be present during any deposition of the victim. The victim of a sexual offense shall be informed of the right to have the courtroom cleared of certain persons as provided in s. 918.16 when the victim is testifying concerning that offense.

(r) Implementing crime prevention in order to protect the safety of persons and property, as prescribed in the State Comprehensive Plan.--By preventing crimes that create victims or further harm former victims, crime prevention efforts are an essential part of providing effective service for victims and witnesses. Therefore, the agencies identified in this subsection may participate in and expend funds for crime prevention, public awareness, public participation, and educational activities directly relating to, and in furtherance of, existing public safety statutes. Furthermore, funds may not be expended for the purpose of influencing public opinion on public policy issues that have not been resolved by the Legislature or the electorate.

(s) Attendance of victim at same school as defendant.--When the victim of an offense committed by a juvenile is a minor, the Department of Juvenile Justice shall request information to determine if the victim, or any sibling of the victim, attends or is eligible to attend the same school as the offender. However, if the offender is subject to a presentence investigation by the Department of Corrections, the Department of Corrections shall make such request. If the victim or any sibling of the victim attends or is eligible to attend the same school as that of the offender, the appropriate agency shall notify the victim's parent or legal guardian of the right to attend the sentencing or disposition of the offender and request that the offender be required to attend a different school.

Section 60. Subsection (3) of section 960.17, Florida Statutes, is amended to read:

960.17 Award constitutes debt owed to state.--

(3) The regional parole board with jurisdiction ~~Parole Commission~~ shall make the payment of the debt to the state a condition of parole under chapter 947, unless the board ~~commission~~ finds reasons to the contrary. If the board ~~commission~~ does not order payment, or orders only partial payment, it shall state on the record the reasons therefor.

Section 61. Paragraph (a) of subsection (3) of section 985.04, Florida Statutes, is amended to read:

985.04 Oaths; records; confidential information.--

(3)(a) Except as provided in subsections (2), (4), (5), and (6), and s. 943.053, all information obtained under this part in the discharge of official duty by any judge, any employee of the court, any authorized agent of the Department of Juvenile Justice, the regional parole boards Parole Commission, the Department of Corrections, the juvenile justice circuit boards, any law enforcement agent, or any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile is confidential and may be disclosed only to the authorized personnel of the court, the Department of Juvenile Justice and its designees, the Department of Corrections, the regional parole boards Parole Commission, law enforcement agents, school superintendents and their designees, any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile, and others entitled under this chapter to receive that information, or upon order of the court. Within each county, the sheriff, the chiefs of police, the district school superintendent, and the department shall enter into an interagency agreement for the purpose of sharing information about juvenile offenders among all parties. The agreement must specify the conditions under which summary criminal history information is to be made available to appropriate school personnel, and the conditions under which school records are to be made available to appropriate department personnel. Such agreement shall require notification to any classroom teacher of assignment to the teacher's classroom of a juvenile who has been placed in a probation or commitment program for a felony offense. The agencies entering into such agreement must comply with s. 943.0525, and must maintain the confidentiality of information that is otherwise exempt from s. 119.07(1), as provided by law.

Section 62. Subsection (2) of section 985.05, Florida Statutes, is amended to read:

985.05 Court records.--

(2) The clerk shall keep all official records required by this section separate from other records of the circuit court, except those records pertaining to motor vehicle violations, which shall be forwarded to the Department of Highway Safety and Motor Vehicles. Except as provided in ss. 943.053 and 985.04(4), official records required by this part are not open to inspection by the public, but may be inspected only upon order of the court by persons deemed by the court to have a proper interest therein, except that a child and the parents, guardians, or legal custodians of the child and their attorneys, law enforcement agencies, the Department of Juvenile Justice and its designees, a regional parole board the Parole Commission, and the Department of Corrections shall always have the right to inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect, and make abstracts from, official records under whatever conditions upon the use and disposition of such records the court may deem proper and may punish by contempt proceedings any violation of those conditions.

Section 63. Subsection (1) of section 784.078, Florida Statutes, is amended to read:

784.078 Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.--

(1) As used in this section, the term "facility" means a state correctional institution defined in s. 944.02~~(6)~~; a private correctional facility defined in s. 944.710 or under chapter 957; a county, municipal, or regional jail or other detention facility of local government under chapter 950 or chapter 951; or a secure facility operated and maintained by the Department of Corrections or the Department of Juvenile Justice.

Section 64. Support for the Governor and Cabinet acting in their capacity as the Executive Board of Clemency is hereby transferred from the Parole Commission to the Executive Office of the Governor by a type two transfer as provided in s. 20.06, Florida Statutes.

Section 65. Sections 947.01 and 947.022, Florida Statutes, are repealed.

Section 66. The Division of Statutory Revision of the Office of Legislative Services shall redesignate, in the next edition of the Florida Statutes, the title of chapter 947, Florida Statutes, as "Regional Parole

Boards."

Section 67. This act shall take effect July 1, 2005, except that sections 7 through 66 shall take effect June 1, 2006.

Remove line 17 and insert:

proposals for a private correctional facility; amending ss. 20.315, 20.32, 23.21, 112.011, 186.005, 255.502, 322.16, 394.926, 394.927, 775.089, 775.16, 784.07, 784.078, 843.01, 843.02, 843.08, 893.11, 921.001, 921.16, 921.20, 921.21, 921.22, 940.03, 940.05, 941.23, 943.0311, 943.06, 944.012, 944.02 944.024, 944.23, 944.291, 944.4731, 945.091, 945.10, 945.47, 945.73, 947.002, 947.005, 947.02, 947.021, 947.1405, 947.141, 947.146, 947.181, 947.185, 947.22, 948.09, 948.10, 949.05, 957.06, 958.045, 960.001, 960.17, 985.04, and 985.05, F.S.; abolishing the Parole Commission; providing for the creation of regional parole boards; providing for membership, powers, and duties of such boards; providing for assignment of inmates to boards; conforming provisions; amending s. 784.078, F.S.; conforming a cross reference; repealing s. 947.01, F.S., relating to the creation of the Parole Commission; repealing s. 947.022, F.S., relating to terms of members of the Parole Commission; transferring support for the Governor and Cabinet acting in their capacity as the Executive Board of Clemency from the Parole Commission to the Executive Office of the Governor; providing a directive to the Division of Statutory Revision; providing

Rep. Needelman moved the adoption of the substitute amendment, which was adopted.

On motion by Rep. Barreiro, the rules were waived and HB 1899 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 121

Speaker Bense in the Chair.

Yeas—110

Adams	Davis, D.	Hukill	Proctor
Allen	Davis, M.	Jennings	Quinones
Altman	Dean	Johnson	Reagan
Ambler	Detert	Jordan	Rice
Anderson	Domino	Kendrick	Richardson
Antone	Evers	Kottkamp	Rivera
Attkisson	Farkas	Kravitz	Robaina
Ausley	Fields	Kreegel	Roberson
Barreiro	Flores	Kyle	Ross
Baxley	Galvano	Legg	Rubio
Bean	Gannon	Littlefield	Russell
Bendross-Mindingall	Garcia	Llorente	Ryan
Bense	Gardiner	Lopez-Cantera	Sands
Benson	Gelber	Machek	Sansom
Berfield	Gibson, A.	Mahon	Seiler
Bilirakis	Gibson, H.	Mayfield	Simmons
Bogdanoff	Glorioso	McInvale	Slosberg
Bowen	Goldstein	Meadows	Smith
Brandenburg	Goodlette	Mealor	Sobel
Brown	Gottlieb	Murzin	Stansel
Brummer	Grant	Needelman	Stargel
Bucher	Greenstein	Negron	Taylor
Cannon	Grimsley	Patterson	Troutman
Carroll	Harrell	Peterman	Vana
Clarke	Hasner	Pickens	Waters
Cretul	Hays	Planas	Zapata
Culp	Henriquez	Poppell	
Cusack	Homan	Porth	

Nays—None

Votes after roll call:

Yeas—Traviesa, Williams

Yeas to Nays—Bucher

So the bill passed, as amended, and was certified to the Senate after engrossment.

**HB 1907**—A bill to be entitled An act relating to retirement; amending s. 121.71, F.S.; revising the payroll contribution rates for the membership classes of the Florida Retirement System for the state fiscal years effective July 1, 2005, and July 1, 2006; providing an effective date.

—was read the second time by title. On motion by Rep. Berfield, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 122

Speaker Bense in the Chair.

Yeas—114

Adams	Davis, D.	Hukill	Quinones
Allen	Davis, M.	Jennings	Reagan
Altman	Dean	Johnson	Rice
Ambler	Detert	Jordan	Richardson
Anderson	Domino	Kendrick	Rivera
Antone	Evers	Kottkamp	Robaina
Attkisson	Farkas	Kravitz	Roberson
Ausley	Fields	Kreegel	Ross
Barreiro	Flores	Kyle	Rubio
Baxley	Galvano	Legg	Russell
Bean	Gannon	Littlefield	Ryan
Bendross-Mindingall	Garcia	Llorente	Sands
Bense	Gardiner	Lopez-Cantera	Sansom
Benson	Gelber	Machek	Seiler
Berfield	Gibson, A.	Mahon	Simmons
Bilirakis	Gibson, H.	Mayfield	Slosberg
Bogdanoff	Glorioso	McInvale	Smith
Bowen	Goldstein	Meadows	Sobel
Brandenburg	Goodlette	Mealor	Stansel
Brown	Gottlieb	Murzin	Stargel
Brummer	Grant	Needelman	Taylor
Bucher	Greenstein	Negron	Traviesa
Bullard	Grimsley	Patterson	Troutman
Cannon	Harrell	Peterman	Vana
Carroll	Hasner	Pickens	Waters
Clarke	Hays	Planas	Williams
Cretul	Henriquez	Poppell	Zapata
Culp	Holloway	Porth	
Cusack	Homan	Proctor	

Nays—None

So the bill passed and was certified to the Senate.

**HB 1909**—A bill to be entitled An act relating to the enforcement of farm labor laws; amending s. 450.38, F.S.; requiring that funds for the enforcement of farm labor laws be transferred to the Professional Regulation Trust Fund within the Department of Business and Professional Regulation from the Workers' Compensation Administration Trust Fund within the Department of Financial Services; authorizing the appropriation of moneys for such purpose; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**HB 1911**—A bill to be entitled An act relating to the procurement of commodities or contractual services; amending s. 287.057, F.S.; requiring that the Department of Management Services compensate a provider for on-line procurement pursuant to appropriation after satisfying ongoing costs; requiring that the provider report transaction data to the department; requiring that fees due to the state on a transactional basis or as a fixed percentage of savings generated be deposited into the State Treasury; requiring that a vendor pay interest on the balance of fees remaining due and unpaid; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**HB 1913**—A bill to be entitled An act relating to employee benefits; providing for the resolution of certain collective bargaining issues at impasse between the State of Florida and certified bargaining units of state employees; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

## House Resolutions

By Representatives Traviesa, Arza, M. Davis, Farkas, Flores, Gannon, A. Gibson, Goldstein, Grant, Henriquez, Hukill, Kreegel, Llorente, Lopez-Cantera, Planas, Quinones, Reagan, Robaina, Ross, Ryan, Seiler, and Zapata—

**HR 9131**—A resolution honoring the life and example of Pope John Paul II.

WHEREAS, born of a military father in Wadvice, Poland, on May 18, 1920, and orphaned by age 20, Karol Josef Wojtyla was ordained a Catholic priest at the age of 26 after having served as a professor of moral theology, social ethics, and philosophy, reflecting ideals evidenced in his life not only by his elevation to the office of Bishop of Cracow and Cardinal but also by his active resistance from a young age to Nazi occupation, and

WHEREAS, Karol Josef Wojtyla, along with some friends, was stopped by the Gestapo during the 1940's Nazi occupation of Poland and he alone being in possession of a work visa was released, while his friends were arrested, deported to Auschwitz, and killed, an event that motivated him to join an underground seminary and dedicate his life to God, and

WHEREAS, on October 16, 1978, Karol Josef Wojtyla, having been elected as Supreme Pontiff by the Sacred College of Cardinals, chose to be called by the name "John Paul II," and

WHEREAS, Pope John Paul's pilgrimage to his native Poland in 1979 sparked a revolution against Soviet style totalitarianism, empowered by conscience and morality, beginning with the Solidarity Labor movement and resulting in similar civil uprisings in Eastern Europe; this "soft power" revolution, speaking truth to the corruption of totalitarianism, combined with President Ronald Reagan's efforts to secure peace through strength, forged a partnership for human freedom culminating in the fall of the Berlin Wall in 1989 and the collapse of Soviet Communism in 1991; and early in this revolution, in 1981, Pope John Paul survived an assassination attempt perpetrated by fear of his persuasive moral leadership, and

WHEREAS, Pope John Paul II, evangelist and pilgrim of peace, the most traveled pope in history, declared evangelism the essential mission of the church; globalized the Roman Catholic Church and its message by visiting nearly 130 countries and territories during his papacy, traveling

over 700,000 miles, the equivalent of 28 circumnavigations of the globe, including seven trips to the United States, but with particular emphasis on the developing nations in Africa, Latin America, and Asia; addressed over 17 million people directly in his general audiences, from the slum dwellers of Rio de Janeiro to AIDS sufferers in Uganda and the United States; and whether he was in Muslim Morocco, Buddhist Japan, or Catholic Spain, he advanced the message that the Gospel is not out of place in any country, and

WHEREAS, Pope John Paul II, for Roman Catholics the successor to St. Peter, Christian theologian, poet, and Second Vatican Council participant, authored 5 books, 14 papal encyclicals, 15 apostolic exhortations, 11 apostolic constitutions, and 45 apostolic letters instructing mankind on issues ranging from capitalism to ecumenism, abortion to euthanasia, private property rights to morality, and, most significantly, the triumph of life over death, and through these writings exhorted mankind to "be not afraid" to live Christ-like lives, and

WHEREAS, Pope John Paul II, ecumenical leader and religious unifier, emphasized that which is common among world religions over that which is disputed; was the first Bishop of Rome to pray with Roman Jews in their synagogue since St. Peter and the first Pope to visit the Western Wall in Jerusalem; called anti-Semitism a sin against God and was known to have cried at Yad Vashem, the Holocaust memorial; was the first Pope since the Reformation to visit the Canterbury Cathedral and with the Reverend Billy Graham held the great ecumenical rally of 1987, bringing together evangelicals, Protestants, Orthodox, and Anglicans to give common witness to the Gospel; was the first Pope to visit a mosque and quote the Qur'an and encouraged Christians to fast with Muslims during Ramadan after the horror of September 11, 2001; coordinated interfaith condemnations of terrorism; and constantly advanced the understanding of the Church as a means of communion with all people of God, and

WHEREAS, Pope John Paul II, instrumental in the defeat of Nazism and Communism, two of the most pernicious and godless evils of modern time, was adviser and spiritual example to world leaders, holding over 730 audiences with heads of state and almost 250 audiences with prime ministers, and was a strong force in ending the nuclear arms race, and

WHEREAS, Pope John Paul II, Vicar of Christ, mystic, and pastor to over 1.1 billion Roman Catholics and a powerful exemplar of a consecrated life to people of all faiths worldwide, was known as the pope of the people, or "don de gente," for his love of all life, especially children and the suffering, and for his example of strict morality and gentle mercy; who, as an assassination attempt survivor, within three days publicly forgave and ministered to his would-be assassin, promoting hope and mercy for the condemned; and who, through his daily example, epitomized a life guided by I Corinthians 11:1, "Imitate me as I imitate Christ," NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That Pope John Paul II be remembered for his exemplary life of daily courage as a common man who adored his God, who through and for Him dedicated his life and soul to the love, compassion, mercy, and service of others, and who in so doing changed the world forever.

BE IT FURTHER RESOLVED that the House of Representatives, on behalf of all Floridians, commend his noble soul to the merciful love of God our Heavenly Father and invoke upon all who mourn his passing the divine blessings of consolation, strength, and peace and further commend to all Floridians the encouragement of "truth and faith" uttered as the last word by Pope John Paul II, "Amen."

—was read the first time by title. On motion by Rep. Traviesa, the rules were waived and the resolution was read the second time in full and adopted.

On motion by Rep. Traviesa, the board was opened [Session Vote

Sequence: 123] and the following members were recorded as cosponsors of the resolution, along with Reps. Traviesa, Arza, M. Davis, Farkas, Flores, Gannon, A. Gibson, Goldstein, Grant, Henriquez, Hukill, Kreegel, Llorente, Lopez-Cantera, Planas, Quinones, Reagan, Robaina, Ross, Ryan, Seiler, and Zapata: Reps. Adams, Allen, Altman, Ambler, Anderson, Antone, Attkisson, Ausley, Barreiro, Baxley, Bean, Bendross-Mindingall, Bense, Benson, Berfield, Bilirakis, Bogdanoff, Bowen, Brandenburg, Brown, Brummer, Bucher, Bullard, Cannon, Carroll, Clarke, Cretul, Culp, Gusack, D. Davis, Dean, Detert, Domino, Evers, Fields, Galvano, Garcia, Gardiner, Gelber, H. Gibson, Glorioso, Goodlette, Gottlieb, Greenstein, Grimsley, Harrell, Hasner, Hays, Holloway, Homan, Jennings, Johnson, Jordan, Kendrick, Kottkamp, Kravitz, Kyle, Legg, Littlefield, Machek, Mahon, Mayfield, McInvale, Meadows, Mealor, Murzin, Needelman, Negron, Patterson, Peterman, Pickens, Poppell, Porth, Proctor, Rice, Richardson, Rivera, Roberson, Rubio, Russell, Sands, Sansom, Simmons, Slosberg, Smith, Sobel, Stansel, Stargel, Taylor, Troutman, Vana, Waters, and Williams.

### Moment of Silence

The House observed a moment of silence in memory of Pope John Paul II, who died Saturday, April 2.

### Moment of Silence

The House observed a moment of silence for Donn Dughi who died April 6. He began work in the Florida House of Representatives in June 1992 and retired in October 2002, serving as the House Photographer from 1997 until his retirement. He was a great photographer and a true friend to the legislature.

### Recessed

The House stood in informal recess at 4:01 p.m., to reconvene upon the call of the Chair.

### Reconvened

The House was called to order by the Speaker at 4:47 p.m. A quorum was present [Session Vote Sequence: 124].

On motion by Rep. Goodlette, the House moved to the order of—

## Messages from the Senate

*The Honorable Allan Bense, Speaker*

I am directed to inform the House of Representatives that the Senate has passed SB 2600, as amended, and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By the Committee on Ways and Means—

**SB 2600**—A bill to be entitled An act making appropriations; providing monies for the annual period beginning July 1, 2005, and ending June 30, 2006, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was read the first time by title. On motion by Rep. Negron, the rules were waived and the bill was read the second time by title.

Rep. Negron offered an amendment inserting the text of HB 1885, which was adopted. Under Rule 12.10, the amendment was not printed in the *Journal*.

On motion by Rep. Negron, the rules were waived and SB 2600 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 125

Speaker Bense in the Chair.

Yeas—113

Adams	Davis, M.	Jennings	Reagan
Allen	Dean	Johnson	Rice
Altman	Detert	Jordan	Richardson
Ambler	Domino	Kendrick	Rivera
Anderson	Evers	Kottkamp	Robaina
Antone	Farkas	Kravitz	Roberson
Attkisson	Fields	Kreegel	Ross
Ausley	Flores	Kyle	Rubio
Barreiro	Galvano	Legg	Russell
Bean	Gannon	Littlefield	Ryan
Bendross-Mindingall	Garcia	Llorente	Sands
Bense	Gardiner	Lopez-Cantera	Sansom
Benson	Gelber	Machek	Seiler
Berfield	Gibson, A.	Mahon	Simmons
Bilirakis	Gibson, H.	Mayfield	Slosberg
Bogdanoff	Glorioso	McInvale	Smith
Bowen	Goldstein	Meadows	Sobel
Brandenburg	Goodlette	Mealor	Stansel
Brown	Gottlieb	Murzin	Stargel
Brummer	Grant	Needelman	Taylor
Bucher	Greenstein	Negron	Traviesa
Bullard	Grimsley	Patterson	Troutman
Cannon	Harrell	Peterman	Vana
Carroll	Hasner	Pickens	Waters
Clarke	Hays	Planas	Williams
Cretul	Henriquez	Poppell	Zapata
Culp	Holloway	Porth	
Cusack	Homan	Proctor	
Davis, D.	Hukill	Quinones	

Nays—None

Votes after roll call:

Yeas—Baxley

So the bill passed, as amended, and was certified to the Senate.

*The Honorable Allan Bense, Speaker*

I am directed to inform the House of Representatives that the Senate has passed SB 2602, as amended, and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By the Committee on Ways and Means and Senator Carlton—

**SB 2602**—A bill to be entitled An act implementing the 2005-2006 General Appropriations Act; providing legislative intent; providing for use of specified calculations with respect to the Florida Education Finance Program; providing for the budget of the Council for Education

Policy Research and Improvement to be administered by the Auditor General; providing that the council is otherwise independent; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funds within the family safety program; amending s. 561.121, F.S.; providing that moneys in the Children and Adolescents Substance Abuse Trust Fund may also be used for the purpose of funding programs directed at reducing and eliminating substance abuse problems among adults; amending s. 287.057, F.S.; authorizing the Department of Children and Family Services to contract with a private provider for a forensic mental health treatment facility; amending s. 402.305, F.S.; providing for the child care competency examination to be given in Spanish; amending s. 402.33, F.S.; suspending authority of the Department of Children and Family Services to use funds in excess of fee collections; authorizing the Department of Corrections and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the respective department; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending s. 16.555, F.S.; authorizing use of the Crime Stoppers Trust Fund to pay for salaries and benefits and other expenses of the Department of Legal Affairs; authorizing transfer of certain funds from the courts to the Justice Administrative Commission to meet certain shortfalls in due-process appropriations; amending s. 413.4021, F.S.; requiring additional revenues from the tax collection enforcement diversion program to be used for the personal care attendant pilot program and for state attorney contracts; providing for expenditure of funds from the Working Capital Fund to offset deficiencies in due-process services; authorizing the Department of Legal Affairs to expend appropriated funds on programs funded in the preceding fiscal year; providing for an agreement between the Department of Agriculture and Consumer Services and the Department of Transportation for the construction of an agricultural interdiction station in Escambia County; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; directing the Department of Environmental Protection to make specified awards of grant moneys for pollution control purposes; amending s. 375.041, F.S.; providing for use of funds allocated to the Land Acquisition Trust Fund for water quality issues; creating s. 376.30715, F.S.; providing conditions on state financial assistance in restoration of contaminated petroleum storage or retail sites; amending s. 287.057, F.S.; revising methods of compensating on-line providers of commodities and contractual services; amending s. 320.08058, F.S.; authorizing proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; amending s. 445.048, F.S.; requiring that Workforce Florida, Inc., expand the Passport to Economic Progress demonstration program to a statewide program; authorizing Workforce Florida, Inc., to designate regional workforce boards to participate in the program; deleting the provision relating to the disregarding of income for purposes of determining eligibility for cash assistance; requiring that Workforce Florida, Inc., offer incentive bonuses; providing requirements for the incentive bonuses; providing that the bonuses are not an entitlement; deleting obsolete provisions; requiring Workforce Florida, Inc., to submit evaluations and recommendations for the program as part of its annual report to the Legislature; deleting obsolete provisions; amending s. 253.034, F.S.; authorizing deposit of funds from the sale of property by the Department of Highway Safety and Motor Vehicles located in Palm Beach County; amending s. 402.3017, F.S.; requiring the Agency for

Workforce Innovation to administer Teacher Education and Compensation Helps (TEACH) scholarship program; amending s. 287.057, F.S.; exempting certain voter education activities from competitive-solicitation requirements; amending s. 259.032, F.S.; providing for use of certain funds for constructing replacement museum facilities; amending s. 288.1045, F.S.; extending the qualified defense contractor tax refund program; amending s. 288.106, F.S.; extending the tax refund program for qualified target industry businesses; amending s. 290.044, F.S.; revising the amounts that may be set aside from the neighborhood revitalization category of the Small Cities Community Development Block Grant Program Fund; creating s. 311.22, F.S.; establishing a program to provide matching funds for dredging projects in eligible counties; requiring that funds appropriated under the program be used for certain projects; requiring that the Florida Seaport Transportation and Economic Development Council adopt rules for evaluating the dredging projects; providing for a project-review process by the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade, and Economic Development; amending s. 339.135, F.S.; authorizing increased appropriations for certain projects in the Department of Transportation; creating s. 320.0846, F.S.; providing for free motor vehicle license plates for active members of the Florida National Guard; creating s. 250.5206, F.S.; creating the Family Readiness Program in the Department of Military Affairs; providing purpose, availability and use of funding, services, eligibility, application and review; providing for a report; creating the Family Readiness Advisory Board and specifying membership; reenacting s. 215.32(2)(b), F.S., relating to the source and use of trust funds; amending s. 216.192, F.S.; prescribing additional conditions that must be met before the release or transfer of agency funds or the transfer of positions; providing goals for implementing the Aspire project; providing factors to be considered; providing for review; providing finding of best interest of the state for authorization and issuance of certain debt; providing for future repeal or expiration of various provisions; providing for reversion of certain provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2005-2006 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing effective dates.

—was read the first time by title. On motion by Rep. Negron, the rules were waived and the bill was read the second time by title.

Representative(s) Negron offered the following:

(Amendment Bar Code: 196423)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for fiscal year 2005-2006.

Section 2. In order to implement Specific Appropriation 17 of the 2005-2006 General Appropriations Act, subsection (7) of section 1013.62, Florida Statutes, is amended to read:

1013.62 Charter schools capital outlay funding.--

(7) Notwithstanding the provisions of this section, beginning in the 2003-2004 fiscal year:

(a) If the appropriation for charter school capital outlay funds is no greater than the 2002-2003 appropriation, the funds shall be allocated according to the formula outlined in subsection (1) to:

1. The same schools that received funding in 2002-2003.
2. Schools that are an expanded feeder pattern of schools that received funding in 2002-2003.
3. Schools that have an approved charter and are serving students at

the start of the 2003-2004 school year and either incurred long-term financial obligations prior to January 31, 2003, or began construction on educational facilities prior to December 31, 2002.

(b) If the appropriation for charter school capital outlay funds is less than the 2002-2003 appropriation, the funds shall be prorated among the schools eligible in paragraph (a).

~~(c) If the appropriation for charter school capital outlay funds is greater than the 2002-2003 appropriation, the amount of funds provided in the 2002-2003 appropriation shall be allocated according to paragraph (a). First priority for allocating the amount in excess of the 2002-2003 appropriation shall be to prorate the excess funds among the charter schools with long term debt or long term lease to the extent that the initial allocation is insufficient to provide one-fifteenth of the cost per student station specified in s. 1013.64(6)(b), and second priority shall be to other eligible charter schools.~~

Section 3. The amendment of subsection (7) of s. 1013.62, Florida Statutes, by this act shall expire on July 1, 2006, and the text of that section shall revert to that in existence on June 30, 2005, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.

Section 4. In order to implement section 11 of the 2005-2006 General Appropriations Act, section 1004.065, Florida Statutes, is created to read:

1004.065 Limitation on university and direct-support organization financings.--No project may be financed by or on behalf of a university or a direct-support organization pursuant to s. 1001.74(5), s. 1004.28(6), s. 1010.60(2), s. 1013.15, s. 1013.16, s. 1013.17, s. 1013.171, s. 1013.74, or s. 1013.78, or through any financing mechanism, including, but not limited to, revenue bonds, promissory notes, certificates of participation, lease-purchase agreements, or any other form of indebtedness, without prior approval of the project by the Legislature by an act relating to appropriations or general law. This section expires July 1, 2006.

Section 5. In order to implement Specific Appropriations 325-328, 332-336, 351, and 354 of the 2005-2006 General Appropriations Act, subsection (8) of section 394.908, Florida Statutes, is amended to read:

394.908 Substance abuse and mental health funding equity; distribution of appropriations.--In recognition of the historical inequity among service districts of the former Department of Health and Rehabilitative Services in the funding of substance abuse and mental health services, and in order to rectify this inequity and provide for equitable funding in the future throughout the state, the following funding process shall be adhered to:

(8) For fiscal year ~~2005-2006~~ ~~2004-2005~~ only, and notwithstanding the provisions of this section, all new funds received in excess of fiscal year ~~2004-2005~~ ~~2003-2004~~ recurring appropriations shall be allocated in accordance with the provisions of the General Appropriations Act; however, no district shall receive an allocation of recurring funds less than its initial approved operating budget, plus any distributions of lump sum appropriations or reductions in unfunded budget, for fiscal year ~~2004-2005~~ ~~2003-2004~~. Funds appropriated for projects in specific locations in the General Appropriations Act shall be included in the base funding of the respective district when calculating the distribution of funds under the equity formula. This subsection expires July 1, ~~2006~~ ~~2005~~.

Section 6. In order to implement Specific Appropriations 395-404 of the 2005-2006 General Appropriations Act, paragraph (b) of subsection (14) of section 287.057, Florida Statutes, is amended to read:

287.057 Procurement of commodities or contractual services.--

(14)

(b) Notwithstanding paragraph (a), the Department of Children and Family Services may enter into agreements, not to exceed 20 years, with a private provider to finance, design, and construct a treatment facility, as defined in s. 394.455, of at least 200 beds and to operate all aspects of daily operations within the treatment facility. The selected contractor is authorized to sponsor the issuance of tax-exempt certificates of

participation or other securities to finance the project, and the state is authorized to enter into a lease-purchase agreement for the treatment facility. The Department of Children and Family Services shall begin the implementation of this privatization initiative by January 1, ~~2006~~ ~~2005~~. This paragraph expires July 1, ~~2006~~ ~~2005~~.

Section 7. In order to implement Specific Appropriation 595 of the 2005-2006 General Appropriations Act, subsection (3) of section 381.79, Florida Statutes, is amended to read:

381.79 Brain and Spinal Cord Injury Program Trust Fund.--

(3)(a) Annually, 5 percent of the revenues deposited monthly in the fund pursuant to s. 318.21(2)(d) shall be appropriated to the University of Florida and 5 percent to the University of Miami for spinal cord injury and brain injury research. The amount to be distributed to the universities shall be calculated based on the deposits into the fund for each quarter in the fiscal year, but may not exceed \$500,000 per university per year. Funds distributed under this subsection shall be made in quarterly payments at the end of each quarter during the fiscal year.

(b) For the ~~2005-2006~~ ~~2004-2005~~ fiscal year only, and notwithstanding paragraph (a), revenues deposited in the fund pursuant to s. 318.21(2)(d) may be appropriated for spinal cord injury and brain injury research at the University of Miami. The amount appropriated in the ~~2005-2006~~ ~~2004-2005~~ General Appropriations Act shall be distributed in equal quarterly payments at the end of each quarter during the fiscal year. This paragraph expires July 1, ~~2006~~ ~~2005~~.

Section 8. In order to implement Specific Appropriations 238-404 of the 2005-2006 General Appropriations Act, paragraph (b) of subsection (10) of section 402.33, Florida Statutes, is amended to read:

402.33 Department authority to charge fees for services provided.--

(10)

(b) For the ~~2005-2006~~ ~~2004-2005~~ fiscal year only, the provisions of paragraph (a) shall not apply. This paragraph expires July 1, ~~2006~~ ~~2005~~.

Section 9. In order to fulfill legislative intent regarding the use of funds contained in Specific Appropriations 676, 688, 698, and 1136 of the 2005-2006 General Appropriations Act, the Department of Corrections and the Department of Juvenile Justice may expend appropriated funds to assist in defraying the costs of impacts that are incurred by a municipality or county and associated with opening or operating a facility under the authority of the respective department which is located within that municipality or county. The amount that is to be paid under this section for any facility may not exceed 1 percent of the facility construction cost, less building impact fees imposed by the municipality or by the county if the facility is located in the unincorporated portion of the county. This section expires July 1, 2006.

Section 10. In order to implement Specific Appropriation 1201 of the 2005-2006 General Appropriations Act, paragraph (d) is added to subsection (4) of section 932.7055, Florida Statutes, to read:

932.7055 Disposition of liens and forfeited property.--

(4) The proceeds from the sale of forfeited property shall be disbursed in the following priority:

(d) Notwithstanding any other provision of this subsection, and for the 2005-2006 fiscal year only, the funds in a special law enforcement trust fund established by the governing body of a municipality may be expended to reimburse the general fund of the municipality for moneys advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001. This paragraph expires July 1, 2006.

Section 11. In order to implement Specific Appropriations 666-761 and 797-827 of the 2005-2006 General Appropriations Act, subsection (4) of section 216.262, Florida Statutes, is amended to read:

216.262 Authorized positions.--

(4) Notwithstanding the provisions of this chapter on increasing the number of authorized positions, and for the ~~2005-2006~~ ~~2004-2005~~ fiscal year only, if the actual inmate population of the Department of Corrections exceeds the inmate population projections of the February 16, ~~2005~~ ~~2004~~, Criminal Justice Estimating Conference by 1 percent for 2 consecutive months or 2 percent for any month, the Executive Office of the Governor, with the approval of the Legislative Budget Commission,

shall immediately notify the Criminal Justice Estimating Conference, which shall convene as soon as possible to revise the estimates. The Department of Corrections may then submit a budget amendment requesting the establishment of positions in excess of the number authorized by the Legislature and additional appropriations from the General Revenue Fund or the Working Capital Fund sufficient to provide for essential staff and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population. All actions taken pursuant to the authority granted in this subsection shall be subject to review and approval by the Legislative Budget Commission. This subsection expires July 1, ~~2006~~ ~~2005~~.

Section 12. In order to implement Specific Appropriation 751 of the 2005-2006 General Appropriations Act, the Department of Children and Family Services shall transfer the Tramell Building on the grounds of the Florida State Hospital to the Department of Corrections to be used for 953 additional prison beds.

Section 13. In order to implement the appropriation of funds in Special Categories-Risk Management Insurance of the 2005-2006 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category "Special Categories-Risk Management Insurance" of the 2005-2006 General Appropriations Act between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance. This section expires July 1, 2006.

Section 14. In order to implement the appropriation of funds in Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract of the 2005-2006 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract" of the 2005-2006 General Appropriations Act between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resource management services. This section expires July 1, 2006.

Section 15. In order to implement sections 2 through 7 of the 2005-2006 General Appropriations Act, paragraph (c) of subsection (5) and paragraph (d) of subsection (6) of section 112.061, Florida Statutes, are amended to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons.--

(5) COMPUTATION OF TRAVEL TIME FOR REIMBURSEMENT.--For purposes of reimbursement and methods of calculating fractional days of travel, the following principles are prescribed:

(c) For the ~~2005-2006~~ ~~2004-2005~~ fiscal year only and notwithstanding the other provisions of this subsection, for Class C travel, a state traveler shall not be reimbursed on a per diem basis nor shall a traveler receive subsistence allowance. This paragraph expires July 1, ~~2006~~ ~~2005~~.

(6) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.--For purposes of reimbursement rates and methods of calculation, per diem and subsistence allowances are divided into the following groups and rates:

(d) For the ~~2005-2006~~ ~~2004-2005~~ fiscal year only and notwithstanding the other provisions of this subsection, for Class C travel, a state traveler shall not be reimbursed on a per diem basis nor shall a traveler receive subsistence allowance. This paragraph expires July 1, ~~2006~~ ~~2005~~.

Section 16. In order to implement Specific Appropriation 1742, subsection (14) is added to section 376.3071, Florida Statutes, to read:

376.3071 Inland Protection Trust Fund; creation; purposes; funding.--

(14) ADDITIONAL USES OF FUNDS FOR SPECIFIED FISCAL YEAR.--Notwithstanding subsection (4) and s. 376.30711, for the 2005-2006 fiscal year only funds from the Inland Protection Trust Fund may be used to clean up petroleum contaminated sites registered in a state-funded program that have been identified as viable affordable housing sites by the Department of Community Affairs together with local governments and may be used to purchase generators for emergency fuel supply. This subsection expires July 1, 2006.

Section 17. In order to implement Specific Appropriation 1590 of the 2005-2006 General Appropriations Act, paragraph (c) of subsection (4) of section 373.4137, Florida Statutes, is amended to read:

373.4137 Mitigation requirements.--

(4) Prior to December 1 of each year, each water management district, in consultation with the Department of Environmental Protection, the United States Army Corps of Engineers, the Department of Transportation, transportation authorities established pursuant to chapter 348 or chapter 349, and other appropriate federal, state, and local governments, and other interested parties, including entities operating mitigation banks, shall develop a plan for the primary purpose of complying with the mitigation requirements adopted pursuant to this part and 33 U.S.C. s. 1344. This plan shall also address significant invasive plant problems within wetlands and other surface waters. In developing such plans, the districts shall utilize sound ecosystem management practices to address significant water resource needs and shall focus on activities of the Department of Environmental Protection and the water management districts, such as surface water improvement and management (SWIM) waterbodies and lands identified for potential acquisition for preservation, restoration, and enhancement, to the extent that such activities comply with the mitigation requirements adopted under this part and 33 U.S.C. s. 1344. In determining the activities to be included in such plans, the districts shall also consider the purchase of credits from public or private mitigation banks permitted under s. 373.4136 and associated federal authorization and shall include such purchase as a part of the mitigation plan when such purchase would offset the impact of the transportation project, provide equal benefits to the water resources than other mitigation options being considered, and provide the most cost-effective mitigation option. The mitigation plan shall be preliminarily approved by the water management district governing board and shall be submitted to the secretary of the Department of Environmental Protection for review and final approval. The preliminary approval by the water management district governing board does not constitute a decision that affects substantial interests as provided by s. 120.569. At least 30 days prior to preliminary approval, the water management district shall provide a copy of the draft mitigation plan to any person who has requested a copy.

(c) Surface water improvement and management or invasive plant control projects undertaken using the \$12 million advance transferred from the Department of Transportation to the Department of Environmental Protection in fiscal year 1996-1997 which meet the requirements for mitigation under this part and 33 U.S.C. s. 1344 shall remain available for mitigation until the \$12 million is fully credited up to and including fiscal year 2006-2007 ~~2005-2006~~. When these projects are used as mitigation, the \$12 million advance shall be reduced by \$75,000 per acre of impact mitigated. For any fiscal year through and including fiscal year 2006-2007 ~~2005-2006~~, to the extent the cost of developing and implementing the mitigation plans is less than the amount transferred pursuant to subsection (3), the difference shall be credited towards the \$12 million advance. Except as provided in this paragraph, any funds not directed to implement the mitigation plan should, to the greatest extent possible, be directed to fund invasive plant control within wetlands and other surface waters.

Section 18. In order to implement Specific Appropriation 1690 of the 2004-2005 General Appropriations Act, subsection (3) of section 120.551, Florida Statutes, is amended to read:

120.551 Internet publication.--

(3) This section is repealed effective July 1, 2006 ~~2005~~, unless reviewed and reenacted by the Legislature before that date.

Section 19. (1) In order to implement Specific Appropriation 1453A of the 2005-2006 General Appropriations Act, there is hereby created the Florida Pork Producers Transition Grant Program within the Department of Agriculture and Consumer Services to provide assistance to any person or persons or entities that were using farming methods described in Article X, Section 21 of the Florida Constitution on November 5, 2002. The purpose of the program is to assist Florida pork producers in reducing encumbered debt on stranded investment in equipment and in transitioning into other farming or agriculture activities.

(2) Any person or persons or entities that were using farming methods described in Article X, Section 21 of the Florida Constitution on November 5, 2002, are entitled to apply for a grant from the program if that person or entity signs a letter of intent to cease or has ceased using farming methods described in Article X, Section 21 of the Florida Constitution on land within this state and agrees in writing to continue to use the land as actively engaged in an agricultural or farming activity other than pork production until at least November 2008.

(3) The department shall provide grants of not more than \$275,000 to each person or persons or entities who meet the criteria for the program and who enter into such a letter of intent with the department, on a first-come first-served basis; provided that the application for the grant is made on or before December 29, 2005. The department may adopt rules to implement the Florida Pork Producers Transition Grant Program.

(4) This section expires July 1, 2006.

Section 20. In order to implement Specific Appropriation 2501 of the 2005-2006 General Appropriations Act, paragraph (b) of subsection (9) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.--

(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.--

(b) The license plate annual use fees are to be annually distributed as follows:

1. Fifty-five percent of the proceeds from the Florida Professional Sports Team plate must be deposited into the Professional Sports Development Trust Fund within the Office of Tourism, Trade, and Economic Development. These funds must be used solely to attract and support major sports events in this state. As used in this subparagraph, the term "major sports events" means, but is not limited to, championship or all-star contests of Major League Baseball, the National Basketball Association, the National Football League, the National Hockey League, the men's and women's National Collegiate Athletic Association Final Four basketball championship, or a horseracing or dogracing Breeders' Cup. All funds must be used to support and promote major sporting events, and the uses must be approved by the Florida Sports Foundation.

2. The remaining proceeds of the Florida Professional Sports Team license plate must be allocated to the Florida Sports Foundation, a direct-support organization of the Office of Tourism, Trade, and Economic Development. These funds must be deposited into the Professional Sports Development Trust Fund within the Office of Tourism, Trade, and Economic Development. These funds must be used by the Florida Sports Foundation to promote the economic development of the sports industry; to distribute licensing and royalty fees to participating professional sports teams; to promote education programs in Florida schools that provide an awareness of the benefits of physical activity and nutrition standards; to partner with the Department of Education and the Department of Health to develop a program that recognizes schools whose students demonstrate excellent physical fitness or fitness improvement; to institute a grant program for communities bidding on minor sporting events that create an economic impact for the state; to distribute funds to Florida-based charities designated by the Florida Sports Foundation and the participating professional sports teams; and to fulfill the sports promotion responsibilities of the Office of Tourism, Trade, and Economic Development.

3. The Florida Sports Foundation shall provide an annual financial



audit in accordance with s. 215.981 of its financial accounts and records by an independent certified public accountant pursuant to the contract established by the Office of Tourism, Trade, and Economic Development as specified in s. 288.1229(5). The auditor shall submit the audit report to the Office of Tourism, Trade, and Economic Development for review and approval. If the audit report is approved, the office shall certify the audit report to the Auditor General for review.

4. For the ~~2005-2006~~ ~~2004-2005~~ fiscal year only and notwithstanding the provisions of subparagraphs 1. and 2., proceeds from the Professional Sports Development Trust Fund may also be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games. This subparagraph expires July 1, ~~2006~~ ~~2005~~.

Section 21. In order to implement Specific Appropriation 2121 of the 2005-2006 General Appropriations Act, section 445.048, Florida Statutes, as amended by section 53 of chapter 2004-269, Laws of Florida, is amended to read:

445.048 Passport to Economic Progress ~~demonstration~~ program.--

(1) AUTHORIZATION.--Notwithstanding any law to the contrary, Workforce Florida, Inc., in conjunction with the Department of Children and Family Services and the Agency for Workforce Innovation, shall implement a Passport to Economic Progress ~~demonstration~~ program by ~~November 1, 2001~~, consistent with the provisions of this section ~~in Hillsborough and Manatee counties. Workforce Florida, Inc., may designate regional workforce boards to participate in the program. Expenses for the program may come from appropriated revenues or from funds otherwise available to a regional workforce board which may be legally used for such purposes.~~ Workforce Florida, Inc., must consult with the applicable regional workforce boards and the applicable local offices of the Department of Children and Family Services which serve the demonstration areas and must encourage community input into the implementation process.

(2) WAIVERS.--If Workforce Florida, Inc., in consultation with the Department of Children and Family Services, finds that federal waivers would facilitate implementation of the demonstration program, the department shall immediately request such waivers, and Workforce Florida, Inc., shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives if any refusal of the federal government to grant such waivers prevents the implementation of the demonstration program. If Workforce Florida, Inc., finds that federal waivers to provisions of the Food Stamp Program would facilitate implementation of the demonstration program, the Department of Children and Family Services shall immediately request such waivers in accordance with s. 414.175.

~~(3) INCOME DISREGARD. In order to provide an additional incentive for employment, and notwithstanding the amount specified in s. 414.095(12), for individuals residing in the areas designated for this demonstration program, the first \$300 plus one half of the remainder of earned income shall be disregarded in determining eligibility for temporary cash assistance. All other conditions and requirements of s. 414.095(12) shall continue to apply to such individuals.~~

~~(3)(4) TRANSITIONAL BENEFITS AND SERVICES.--In order to assist them in making the transition to economic self-sufficiency, former recipients of temporary cash assistance residing within the areas designated for this demonstration program shall be eligible for the following benefits and services:~~

(a) Notwithstanding the time period specified in s. 445.030, transitional education and training support services as specified in s. 445.030 for up to 4 years after the family is no longer receiving temporary cash assistance;

(b) Notwithstanding the time period specified in s. 445.031, transitional transportation support services as specified in s. 445.031 for up to 4 years after the family is no longer receiving temporary cash assistance; and

(c) Notwithstanding the time period specified in s. 445.032, transitional child care as specified in s. 445.032 for up to 4 years after the family is no longer receiving temporary cash assistance.

All other provisions of ss. 445.030, 445.031, and 445.032 shall apply to such individuals, as appropriate. This subsection does not constitute an entitlement to transitional benefits and services. If funds are insufficient to provide benefits and services under this subsection, the board of directors of Workforce Florida, Inc., or its agent, may limit such benefits and services or otherwise establish priorities for the provisions of such benefits and services.

~~(4)(5) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY WAGE SUPPLEMENTATION.--~~

(a) The Legislature finds that:

1. There are former recipients of temporary cash assistance who are working full time but whose incomes are below the federal poverty level.

2. Having incomes below the federal poverty level makes such individuals particularly vulnerable to reliance on public assistance despite their best efforts to achieve or maintain economic independence through employment.

3. It is necessary to implement a performance-based program that defines economic incentives for achieving specific benchmarks toward self-sufficiency while the individual is working full-time ~~supplement the wages of such individuals for a limited period of time in order to assist them in fulfilling the transition to economic self-sufficiency.~~

(b) Workforce Florida, Inc., in cooperation with the Department of Children and Family Services and the Agency for Workforce Innovation, shall offer performance-based incentive bonuses ~~create a transitional wage supplementation program by November 1, 2001~~, as a component of the Passport to Economic Progress ~~demonstration~~ program ~~in the areas designated for the demonstration program. This wage supplementation program does not constitute an entitlement to wage supplementation. The bonuses do not represent a program entitlement and shall be contingent on achieving specific benchmarks prescribed in the self-sufficiency plan. If the funds appropriated for this purpose are insufficient to provide this financial incentive wage supplementation,~~ the board of directors of Workforce Florida, Inc., may reduce or suspend the bonuses in order not to exceed the appropriation or may direct the regional boards to use resources otherwise given to the regional workforce to pay such bonuses if such payments comply with applicable state and federal laws ~~limit wage supplementation or otherwise establish priorities for wage supplementation.~~

(c) To be eligible for an incentive bonus ~~wage supplementation~~ under this subsection, an individual must:

1. Be a former recipient of temporary cash assistance who last received such assistance on or after January 1, 2000;

2. Be employed full time, which for the purposes of this subsection means employment averaging at least 32 hours per week, until the United States Congress enacts legislation reauthorizing the Temporary Assistance for Needy Families block grant and, after the reauthorization, means employment complying with the employment requirements of the reauthorization; and

3. Have an average family income for the 6 months preceding the date of application for an incentive bonus ~~wage supplementation~~ which is less than ~~200~~ ~~100~~ percent of the federal poverty level.

~~(d) Workforce Florida, Inc., shall determine the schedule for the payment of wage supplementation under this subsection. An individual eligible for wage supplementation under this subsection may receive a payment that equals the amount necessary to bring the individual's total family income for the period covered by the payment to 100 percent of the federal poverty level. An individual may not receive wage supplementation payments for more than a total of 12 months.~~

~~(e) The wage supplementation program authorized by this subsection shall be administered through the regional workforce boards and the one-stop delivery system, under policy guidelines, criteria, and applications developed by Workforce Florida, Inc., in cooperation with the Department of Children and Family Services and the Agency for Workforce Innovation. To the maximum extent possible, the regional workforce boards shall use electronic debit card technologies to provide wage supplementation payments under this program.~~

~~(5)(6)~~ EVALUATIONS AND RECOMMENDATIONS.--Workforce Florida, Inc., in conjunction with the Department of Children and Family Services, the Agency for Workforce Innovation, and the regional workforce boards ~~in the areas designated for this demonstration program~~, shall conduct a comprehensive evaluation of the effectiveness of the ~~demonstration~~ program operated under this section. Evaluations and recommendations for the program shall be submitted by Workforce Florida, Inc., as part of its annual report to the Legislature. By January 1, 2003, Workforce Florida, Inc., shall submit a report on such evaluation to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must include recommendations as to whether the demonstration program should be expanded to other service areas or statewide and whether the program should be revised to enhance its administration or effectiveness.

~~(6)(7)~~ CONFLICTS.--If there is a conflict between the implementation procedures described in this section and federal requirements and regulations, federal requirements and regulations shall control.

Section 22. The amendment of s. 445.048, Florida Statutes, by this act shall expire on July 1, 2006, and the text of that section shall revert to that in existence on June 30, 2005, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.

Section 23. In order to implement section 31 of the 2005-2006 General Appropriations Act, subsection (13) of section 253.034, Florida Statutes, is amended to read:

253.034 State-owned lands; uses.--

(13) Notwithstanding the provisions of this section, funds from the sale of property by the Department of Highway Safety and Motor Vehicles located in Palm Beach ~~County and Orange Counties~~ are authorized to be deposited into the Highway Safety Operating Trust Fund to facilitate the exchange as provided in the General Appropriations Act, provided that at the conclusion of both exchanges the values are equalized. This subsection expires July 1, ~~2006~~ 2005.

Section 24. In order to implement proviso language in Specific Appropriation 2162G of the 2005-2006 General Appropriations Act, subsection (4) of section 402.3017, Florida Statutes, is amended to read:

402.3017 Teacher Education and Compensation Helps (TEACH) scholarship program.--

(4) For the ~~2005-2006~~ ~~2004-2005~~ fiscal year only, the Agency for Workforce Innovation shall administer this section. This subsection expires July 1, ~~2006~~ 2005.

Section 25. In order to implement Specific Appropriation 2982B of the 2005-2006 General Appropriations Act, paragraph (b) of subsection (7) of section 265.702, Florida Statutes, is amended to read:

265.702 Regional cultural facilities; grants for acquisition, renovation, or construction; funding; approval; allocation.--

(7)

(b) For the ~~2005-2006~~ ~~2004-2005~~ fiscal year only, the annual amount of a grant made under this section may not exceed the amount specified in the General Appropriations Act or the amount specified in paragraph (a), whichever is less. This paragraph expires July 1, ~~2006~~ 2005.

Section 26. In order to implement Specific Appropriation 2930 of the 2005-2006 General Appropriations Act, paragraph (f) of subsection (5) of section 287.057, Florida Statutes, is amended to read:

287.057 Procurement of commodities or contractual services.--

(5) When the purchase price of commodities or contractual services exceeds the threshold amount provided in s. 287.017 for CATEGORY TWO, no purchase of commodities or contractual services may be made without receiving competitive sealed bids, competitive sealed proposals, or competitive sealed replies unless:

(f) The following contractual services and commodities are not subject to the competitive-solicitation requirements of this section:

1. Artistic services.
2. Academic program reviews.

3. Lectures by individuals.

4. Auditing services.

5. Legal services, including attorney, paralegal, expert witness, appraisal, or mediator services.

6. Health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration.

7. Services provided to persons with mental or physical disabilities by not-for-profit corporations which have obtained exemptions under the provisions of s. 501(c)(3) of the United States Internal Revenue Code or when such services are governed by the provisions of Office of Management and Budget Circular A-122. However, in acquiring such services, the agency shall consider the ability of the vendor, past performance, willingness to meet time requirements, and price.

8. Medicaid services delivered to an eligible Medicaid recipient by a health care provider who has not previously applied for and received a Medicaid provider number from the Agency for Health Care Administration. However, this exception shall be valid for a period not to exceed 90 days after the date of delivery to the Medicaid recipient and shall not be renewed by the agency.

9. Family placement services.

10. Prevention services related to mental health, including drug abuse prevention programs, child abuse prevention programs, and shelters for runaways, operated by not-for-profit corporations. However, in acquiring such services, the agency shall consider the ability of the vendor, past performance, willingness to meet time requirements, and price.

11. Training and education services provided to injured employees pursuant to s. 440.491(6).

12. Contracts entered into pursuant to s. 337.11.

13. Services or commodities provided by governmental agencies.

14. Voter education activities of the Department of State or the supervisors of elections funded by Specific Appropriation ~~2930~~ ~~2874H~~ of the ~~2005-2006~~ ~~2004-2005~~ General Appropriations Act, either individually or in the aggregate or with their respective professional associations. This subparagraph expires July 1, ~~2006~~ 2005.

Section 27. In order to implement Specific Appropriation 2999 of the 2005-2006 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, funds in Specific Appropriation 2999 of the 2005-2006 General Appropriations Act may be transferred from the courts to the Justice Administrative Commission in order to address unanticipated shortfalls in due process services appropriations in excess of the contingency fund provided in Specific Appropriation 2999 of the 2005-2006 General Appropriations Act. This section expires July 1, 2006.

Section 28. In order to implement Specific Appropriations 836, 837, 839, 840, and 3020 of the 2005-2006 General Appropriations Act, if a deficit is projected by the Justice Administrative Commission or the state courts in any specific appropriation provided for due process services, the Governor or the Chief Justice of the Supreme Court, respectively, may submit a budget amendment for consideration by the Legislative Budget Commission to authorize the expenditure of funds from the Working Capital Fund to offset such deficiency. Any budget amendment submitted by the Governor to the Legislative Budget Commission shall contain certification by the Justice Administrative Commission that all actions required by s. 29.015, Florida Statutes, have been completed and that no funds exist in any contingency fund appropriation available to the entity projected to experience the deficiency. Any budget amendment submitted by the Supreme Court shall contain certification that the court has completed all actions required by s. 29.016, Florida Statutes, and that no funds exist in any contingency fund available to the state courts system. This section expires July 1, 2006.

Section 29. In order to implement the transfer of moneys to the Working Capital Fund from trust funds in the 2005-2006 General Appropriations Act, paragraph (b) of subsection (2) of section 215.32, Florida Statutes, is reenacted to read:

215.32 State funds; segregation.--

(2) The source and use of each of these funds shall be as follows:

(b)1. The trust funds shall consist of moneys received by the state which under law or under trust agreement are segregated for a purpose authorized by law. The state agency or branch of state government receiving or collecting such moneys shall be responsible for their proper expenditure as provided by law. Upon the request of the state agency or branch of state government responsible for the administration of the trust fund, the Chief Financial Officer may establish accounts within the trust fund at a level considered necessary for proper accountability. Once an account is established within a trust fund, the Chief Financial Officer may authorize payment from that account only upon determining that there is sufficient cash and releases at the level of the account.

2. In addition to other trust funds created by law, to the extent possible, each agency shall use the following trust funds as described in this subparagraph for day-to-day operations:

a. Operations or operating trust fund, for use as a depository for funds to be used for program operations funded by program revenues, with the exception of administrative activities when the operations or operating trust fund is a proprietary fund.

b. Operations and maintenance trust fund, for use as a depository for client services funded by third-party payors.

c. Administrative trust fund, for use as a depository for funds to be used for management activities that are departmental in nature and funded by indirect cost earnings and assessments against trust funds. Proprietary funds are excluded from the requirement of using an administrative trust fund.

d. Grants and donations trust fund, for use as a depository for funds to be used for allowable grant or donor agreement activities funded by restricted contractual revenue from private and public nonfederal sources.

e. Agency working capital trust fund, for use as a depository for funds to be used pursuant to s. 216.272.

f. Clearing funds trust fund, for use as a depository for funds to account for collections pending distribution to lawful recipients.

g. Federal grant trust fund, for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources.

To the extent possible, each agency must adjust its internal accounting to use existing trust funds consistent with the requirements of this subparagraph. If an agency does not have trust funds listed in this subparagraph and cannot make such adjustment, the agency must recommend the creation of the necessary trust funds to the Legislature no later than the next scheduled review of the agency's trust funds pursuant to s. 215.3206.

3. All such moneys are hereby appropriated to be expended in accordance with the law or trust agreement under which they were received, subject always to the provisions of chapter 216 relating to the appropriation of funds and to the applicable laws relating to the deposit or expenditure of moneys in the State Treasury.

4.a. Notwithstanding any provision of law restricting the use of trust funds to specific purposes, unappropriated cash balances from selected trust funds may be authorized by the Legislature for transfer to the Budget Stabilization Fund and Working Capital Fund in the General Appropriations Act.

b. This subparagraph does not apply to trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the State Transportation Trust Fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida Retirement System Trust Fund; trust funds under the management of the Board of Regents, where such trust funds are for auxiliary enterprises, self-insurance, and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the Chief Financial Officer or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private

organizations, or other governmental units; and other trust funds authorized by the State Constitution.

Section 30. A section of this act that implements a specific appropriation or specifically identified proviso language in the 2005-2006 General Appropriations Act is void if the specific appropriation or specifically identified proviso language is vetoed. A section of this act that implements more than one specific appropriation or more than one portion of specifically identified proviso language in the 2005-2006 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.

Section 31. If any other act passed in 2005 contains a provision that is substantively the same as a provision in this act, but that removes or is otherwise not subject to the future repeal applied to such provision by this act, the Legislature intends that the provision in the other act shall take precedence and shall continue to operate, notwithstanding the future repeal provided by this act.

Section 32. The agency performance measures and standards in the document entitled "Performance Measures and Standards Approved by the Legislature for Fiscal Year 2005-2006" dated April 4, 2005, and filed with the Clerk of the House of Representatives are incorporated by reference. Such performance measures and standards are directly linked to the appropriations made in the General Appropriations Act for fiscal year 2005-2006, as required by the Government Performance and Accountability Act of 1994. State agencies are directed to revise their long-range program plans required under s. 216.013, Florida Statutes, to be consistent with these performance measures and standards.

Section 33. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 34. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2005; or, if this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2005.

Remove the entire title and insert:

A bill to be entitled

An act implementing the 2005-2006 General Appropriations Act; providing legislative intent; amending s. 1013.62, F.S.; deleting a provision providing for the allocation of charter school capital outlay funds if the appropriation for such funds is greater than the 2002-2003 appropriation; creating s. 1004.065, F.S.; providing a limitation on university and direct-support organization financings; amending s. 394.908, F.S.; providing for substance abuse and mental health funding equity as provided in the General Appropriations Act; including funds appropriated for projects in specific locations in the base funding of such locations when calculating the distribution of funds under the equity formula; amending s. 287.057, F.S.; authorizing the Department of Children and Family Services to contract with a private provider for a mental health treatment facility; amending s. 381.79, F.S.; providing for use of funds in the Brain and Spinal Cord Injury Program Trust Fund for spinal cord injury and brain injury research at the University of Miami; amending s. 402.33, F.S.; suspending authority of the Department of Children and Family Services to use funds in excess of fee collections; authorizing the Department of Corrections and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the respective department; amending s. 932.7055, F.S.; allowing municipalities to reimburse their general funds from moneys they advanced to their own special law enforcement trust funds; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; providing for the transfer of a specified building to the Department of Corrections for additional prison beds; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts

paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; amending s. 376.3071, F.S.; providing for use of funds from the Inland Protection Trust Fund to clean up certain petroleum contaminated sites and to purchase generators for emergency fuel supply; amending s. 373.4137, F.S.; providing for water management districts to use specified funds in certain surface water improvement and management or invasive plant control projects; amending s. 120.551, F.S.; continuing Internet publication of certain notices of the Department of Environmental Protection and the Board of Trustees of the Internal Improvement Trust Fund; creating the Florida Pork Producers Transition Grant Program within the Department of Agriculture and Consumer Services; entitling certain persons using farming methods described in the Florida Constitution on a certain date to apply for a grant; providing a cap on such grants and authorizing the department to adopt rules to implement the grant program; amending s. 320.08058, F.S.; authorizing proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; amending s. 445.048, F.S.; requiring that Workforce Florida, Inc., expand the Passport to Economic Progress demonstration program to a statewide program; authorizing Workforce Florida, Inc., to designate regional workforce boards to participate in the program; deleting a provision relating to the disregard of income for purposes of determining eligibility for cash assistance; requiring that Workforce Florida, Inc., offer incentive bonuses; providing requirements for such bonuses; providing that such bonuses are not an entitlement; requiring Workforce Florida, Inc., to submit evaluations and recommendations for the program as part of its annual report to the Legislature; amending s. 253.034, F.S.; authorizing deposit of funds from the sale of property by the Department of Highway Safety and Motor Vehicles located in Palm Beach County; amending s. 402.3017, F.S.; requiring the Agency for Workforce Innovation to administer Teacher Education and Compensation Helps (TEACH) scholarship program; amending s. 265.702, F.S.; providing a limit on the annual amount of individual cultural facilities grants; amending s. 287.057, F.S.; exempting certain voter education activities from competitive-solicitation requirements; authorizing transfer of certain funds from the courts to the Justice Administrative Commission to meet certain shortfalls in due process appropriations; providing for expenditure of funds from the Working Capital Fund to offset deficiencies in due process services; reenacting s. 215.32(2)(b), F.S., relating to the source and use of trust funds; providing for future repeal or expiration of various provisions; providing for reversion of certain provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2005-2006 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing an effective date.

Rep. Negron moved the adoption of the amendment, which was adopted.

On motion by Rep. Negron, the rules were waived and SB 2602 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 126

Speaker Bense in the Chair.

Yeas—112

Adams	Davis, D.	Homan	Porth
Allen	Davis, M.	Hukill	Proctor
Altman	Dean	Jennings	Quinones
Ambler	Detert	Johnson	Reagan
Anderson	Domino	Jordan	Rice
Antone	Evers	Kendrick	Richardson
Attkisson	Farkas	Kottkamp	Rivera
Ausley	Fields	Kravitz	Robaina
Barreiro	Flores	Kreegel	Roberson
Bean	Galvano	Kyle	Ross
Bendross-Mindingall	Gannon	Legg	Rubio
Bense	Garcia	Littlefield	Russell
Benson	Gardiner	Llorente	Ryan
Berfield	Gelber	Lopez-Cantera	Sands
Bilirakis	Gibson, A.	Machek	Sansom
Bogdanoff	Gibson, H.	Mahon	Seiler
Bowen	Glorioso	Mayfield	Simmons
Brandenburg	Goldstein	McInvale	Slosberg
Brown	Goodlette	Meadows	Smith
Brummer	Gottlieb	Mealor	Stansel
Bucher	Grant	Murzin	Stargel
Bullard	Greenstein	Needelman	Taylor
Cannon	Grimsley	Negron	Traviesa
Carroll	Harrell	Patterson	Troutman
Clarke	Hasner	Peterman	Vana
Cretul	Hays	Pickens	Waters
Culp	Henriquez	Planas	Williams
Cusack	Holloway	Poppell	Zapata

Nays—None

Votes after roll call:

Yeas—Baxley, Sobel  
Yeas to Nays—Baxley

So the bill passed, as amended, and was certified to the Senate.

*The Honorable Allan Bense, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for SB 388 and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By the Committee on Education and Alexander—

**CS for SB 388**—A bill to be entitled An act relating to student financial aid; amending ss. 1009.50, 1009.51, and 1009.52, F.S.; authorizing the deposit of funds appropriated by the Legislature for student financial assistance into the State Student Financial Assistance Trust Fund; amending s. 1009.89, F.S.; eliminating a requirement that funds appropriated for the William L. Boyd, IV, Florida Resident Access Grant Program be deposited into such trust fund; providing an effective date.

—was read the first time by title. On motion by Rep. Pickens, the rules were waived and the bill was read the second time by title.

On motion by Rep. Pickens, the rules were waived and CS for SB 388 was substituted for HB 1891. Under Rule 5.14, the House bill was laid on the table.

Representative(s) Pickens offered the following:

(Amendment Bar Code: 935807)

**Amendment 1 (with title amendment)**—Remove everything after

the enacting clause and insert:

Section 1. Paragraph (b) of subsection (2) of section 287.055, Florida Statutes, is amended, and paragraph (e) is added to subsection (4) of said section, to read:

287.055 Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.--

(2) DEFINITIONS.--For purposes of this section:

(b) "Agency" means the state, a state agency, a municipality, a political subdivision, a school district, ~~or a school board~~, or a regional consortium service organization formed under s. 1001.451. The term "agency" does not extend to a nongovernmental developer that contributes public facilities to a political subdivision under s. 380.06 or ss. 163.3220-163.3243.

(4) COMPETITIVE SELECTION.--

(e) A school district may make purchases under contracts procured pursuant to this section by a regional consortium service organization formed under s. 1001.451, of which it is a member.

Section 2. Paragraph (a) of subsection (2) of section 1001.451, Florida Statutes, is amended to read:

1001.451 Regional consortium service organizations.--In order to provide a full range of programs to larger numbers of students, minimize duplication of services, and encourage the development of new programs and services:

(2)(a) Each regional consortium service organization that consists of four or more school districts is eligible to receive, through the Department of Education, an incentive grant as provided in the annual General Appropriations Act of \$25,000 per school district to be used for the delivery of services within the participating school districts.

Section 3. Section 1001.453, Florida Statutes, is amended to read:

1001.453 Direct-support organization; use of property; board of directors; audit.--

(1) DEFINITIONS.--For the purposes of this section, the term:

(a) "~~District school board~~ Direct-support organization" means a district school board direct-support organization or a regional consortium service organization direct-support ~~an~~ organization that:

1. Is approved by the district school board or regional consortium service organization board of directors;

2. Is a Florida corporation not for profit, incorporated under the provisions of chapter 617 and approved by the Department of State; and

3. Is organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of public kindergarten through 12th grade education and adult career and community education programs in this state.

(b) "Personal services" includes full-time or part-time personnel, as well as payroll processing.

(c) "Regional consortium service organization" means an organization formed under s. 1001.451.

(2) USE OF PROPERTY.--A district school board or regional consortium service organization board of directors:

(a) Is authorized to permit the use of property, facilities, and personal services of the district or regional consortium service organization by a direct-support organization, subject to the provisions of this section.

(b) Shall prescribe by rule conditions with which a ~~district school board~~ direct-support organization must comply in order to use property, facilities, or personal services of the district or regional consortium service organization. Adoption of such rules shall be coordinated with the Department of Education. The rules shall provide for budget and audit review and oversight by the district school board or regional consortium service organization board of directors and the department.

(c) Shall not permit the use of property, facilities, or personal services of a direct-support organization if such organization does not provide equal employment opportunities to all persons, regardless of race, color, religion, sex, age, or national origin.

(3) BOARD OF DIRECTORS.--The board of directors of the ~~district school board~~ direct-support organization shall be approved by the district

school board or the regional consortium service organization board of directors.

(4) ANNUAL AUDIT.--Each direct-support organization with more than \$100,000 in expenditures or expenses shall provide for an annual ~~financial~~ audit of its financial statements in order to express an opinion on the fairness with which the financial statements are presented in conformance with generally accepted accounting principles. The audit is ~~accounts and records~~, to be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General pursuant to s. 11.45(8) and the Commissioner of Education. The annual audit report shall be submitted to the Auditor General and the district school board or regional consortium service organization board of directors for review within 9 months after the end of the fiscal year or by the date established by year's end ~~to the district school board or regional consortium service organization board of directors and the Auditor General, whichever is earlier~~. The Commissioner of Education, the Auditor General, and the Office of Program Policy Analysis and Government Accountability have the authority to require and receive from the organization or the district auditor or regional consortium service organization auditor any records relative to the operation of the organization. The identity of donors and all information identifying donors and prospective donors are confidential and exempt from the provisions of s. 119.07(1), and that anonymity shall be maintained in the auditor's report. All other records and information shall be considered public records for the purposes of chapter 119.

Section 4. Subsection (5) of section 1009.50, Florida Statutes, is amended to read:

1009.50 Florida Public Student Assistance Grant Program; eligibility for grants.--

(5) Funds appropriated by the Legislature for state student assistance grants may shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year that has been allocated to the Florida Public Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section.

Section 5. Subsection (5) of section 1009.51, Florida Statutes, is amended to read:

1009.51 Florida Private Student Assistance Grant Program; eligibility for grants.--

(5) Funds appropriated by the Legislature for Florida private student assistance grants may shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year that has been allocated to the Florida Private Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section and as otherwise provided by law.

Section 6. Subsection (6) of section 1009.52, Florida Statutes, is amended to read:

1009.52 Florida Postsecondary Student Assistance Grant Program; eligibility for grants.--

(6) Funds appropriated by the Legislature for Florida postsecondary student assistance grants may shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year that has been allocated to the Florida Postsecondary Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section and as otherwise provided by law.

Section 7. Subsection (6) of section 1009.89, Florida Statutes, is amended to read:

1009.89 The William L. Boyd, IV, Florida resident access grants.--

(6) Funds appropriated by the Legislature for the William L. Boyd, IV, Florida Resident Access Grant Program may shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the

provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year which has been allocated to the William L. Boyd, IV, Florida Resident Access Grant Program shall remain therein and shall be available for carrying out the purposes of this section. If the number of eligible students exceeds the total authorized in the General Appropriations Act, an institution may use its own resources to assure that each eligible student receives the full benefit of the grant amount authorized.

Section 8. Section 1010.09, Florida Statutes, is amended to read:

1010.09 Direct-support organizations.--School district, regional consortium service organization, community college, and university direct-support organizations shall be organized and conducted under the provisions of ss. 1001.453, 1004.28, and 1004.70 and rules of the State Board of Education, as applicable.

Section 9. Section 1010.34, Florida Statutes, is amended to read:

1010.34 Audits of direct-support organizations.--Audits of school district, regional consortium service organization, community college, and state university direct-support organizations are subject to the audit provisions of ss. 1001.453(4), 1004.28(5), and 1004.70(6), as applicable.

Section 10. Section 1010.72, Florida Statutes, is amended to read:

1010.72 Dale Hickam Excellent Teaching Program Trust Fund.--The Dale Hickam Excellent Teaching Program Trust Fund is created to be administered by the Department of Education. Funds may ~~must~~ be credited to the trust fund as provided in chapter 98-309, Laws of Florida, to be used for the purposes set forth therein.

Section 11. Subsection (6) of section 1011.62, Florida Statutes, is amended to read:

1011.62 Funds for operation of schools.--If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(6) DETERMINATION OF SPARSITY SUPPLEMENT.--

(a) Annually, in an amount to be determined by the Legislature through the General Appropriations Act, there shall be added to the basic amount for current operation of the FEFP qualified districts a sparsity supplement which shall be computed as follows:

$$\text{Sparsity Factor} = \frac{1101.8918}{2700 + \text{district sparsity index}} - 0.1101$$

except that districts with a sparsity index of 1,000 or less shall be computed as having a sparsity index of 1,000, and districts having a sparsity index of 7,308 and above shall be computed as having a sparsity factor of zero. A qualified district's full-time equivalent student membership shall equal or be less than that prescribed annually by the Legislature in the appropriations act. The amount prescribed annually by the Legislature shall be no less than 17,000, but no more than 24,000. A district that exceeds the full-time equivalent student membership requirement shall receive a one-time transition supplement in the amount of one-half of the sparsity supplement calculated for said district provided the district qualified for the sparsity supplement in each of the most recent 3 fiscal years.

(b) The district sparsity index shall be computed by dividing the total number of full-time equivalent students in all programs in the district by the number of senior high school centers in the district, not in excess of three, which centers are approved as permanent centers by a survey made by the Department of Education.

(c) Each district's allocation of sparsity supplement funds shall be adjusted in the following manner:

1. A maximum discretionary levy per FTE value for each district shall be calculated by dividing the value of each district's maximum discretionary levy by its FTE student count;

2. A state average discretionary levy value per FTE shall be

calculated by dividing the total maximum discretionary levy value for all districts by the state total FTE student count;

3. A total potential funds per FTE for each district shall be calculated by dividing the total potential funds, not including Florida School Recognition Program funds and the minimum guarantee, for each district by its FTE student count.

4. A state average total potential funds per FTE shall be calculated by dividing the total potential funds, not including Florida School Recognition Program funds and the minimum guarantee, for all districts by the state total FTE student count.

5.3- For districts that have a levy value per FTE as calculated in subparagraph 1. higher than the state average calculated in subparagraph 2., a sparsity wealth adjustment shall be calculated as the product of the difference between the state average levy value per FTE calculated in subparagraph 2. and the district's levy value per FTE calculated in subparagraph 1. and the district's FTE student count and -1. However, no district shall have a sparsity wealth adjustment which, when applied to the total potential funds calculated in subparagraph 3., would cause the district's total potential funds per FTE to be less than the state average calculated in subparagraph 4.-

6.4- Each district's sparsity supplement allocation shall be calculated by adding the amount calculated as specified in paragraphs (a) and (b) and the wealth adjustment amount calculated in this paragraph.

Section 12. Section 1011.765, Florida Statutes, is amended to read:

1011.765 Florida Academic Improvement Trust Fund matching grants.--

(1) MATCHING GRANTS.--The Florida Academic Improvement Trust Fund shall be utilized to provide matching grants to the Florida School for the Deaf and the Blind Endowment Fund, ~~and to~~ any public school district education foundation, and any regional consortium service organization education foundation that meets the requirements of this section and is recognized by the local school district as a ~~is~~ designated K-12 education foundation. For purposes of this section, "regional consortium service organization" means an organization formed under s. 1001.451.

(a) The State Board of Education shall adopt rules for the administration, submission, documentation, evaluation, and approval of requests for matching funds and for maintaining accountability for matching funds.

(b) Donations, state matching funds, or proceeds from endowments established pursuant to this section shall be used at the discretion of the public school district education foundation, the regional consortium service organization education foundation, or the Florida School for the Deaf and the Blind for academic achievement within the school district, school districts, or school, and shall not be expended for the construction of facilities or for the support of interscholastic athletics. A ~~No~~ public school district education foundation, a regional consortium service organization education foundation, or the Florida School for the Deaf and the Blind shall not accept or purchase facilities for which the state will be asked for operating funds unless the Legislature has granted prior approval for such acquisition.

(2) ALLOCATION OF THE TRUST FUND.--Funds appropriated to the Florida Academic Improvement Trust Fund shall be allocated by the Department of Education in the following manner:

(a) For every year in which there is a legislative appropriation to the trust fund, an equal amount of the annual appropriation, to be determined by dividing the total legislative appropriation by the number of local education foundations and regional consortium service organization education foundations, as well as the Florida School for the Deaf and the Blind, must be reserved for each public school district education foundation, each regional consortium service organization education foundation, and the Florida School for the Deaf and the Blind Endowment Fund to provide each foundation and the Florida School for the Deaf and the Blind with an opportunity to receive and match appropriated funds. Trust funds that remain unmatched by contribution on April 1 of any year shall be made available for matching by any public

school district education foundation, by any regional consortium service organization education foundation, and by the Florida School for the Deaf and the Blind which shall have an opportunity to apply for excess trust funds prior to the award of such funds.

(b) Matching grants shall be proportionately allocated from the trust fund on the basis of matching each \$4 of state funds with \$6 of private funds. To be eligible for matching, a minimum of \$4,500 must be raised from private sources.

(c) Funds sufficient to provide the match shall be transferred from the state trust fund to the public school education foundation, to the regional consortium service organization education foundation, or to the Florida School for the Deaf and the Blind Endowment Fund upon notification that a proportionate amount has been received and deposited by the foundation or school into its own trust fund.

(d) If the total of the amounts to be distributed in any quarter pursuant to this subsection exceeds the amount of funds remaining from specific appropriations made for the implementation of this section, all grants shall be proportionately reduced so that the total of matching grants distributed does not exceed available appropriations.

(3) GRANT ADMINISTRATION.--

(a) Each public school district education foundation, each regional consortium service organization education foundation, and the Florida School for the Deaf and the Blind participating in the Florida Academic Improvement Trust Fund shall separately account for all funds received pursuant to this section, and may establish its own academic improvement trust fund as a depository for the private contributions, state matching funds, and earnings on investments of such funds. State matching funds shall be transferred to the public school district education foundation, to the regional consortium service organization education foundation, or to the Florida School for the Deaf and the Blind Endowment Fund upon notification that the foundation or school has received and deposited private contributions that meet the criteria for matching as provided in this section. The public school district education foundations, the regional consortium service organization education foundations, and the Florida School for the Deaf and the Blind are responsible for the maintenance, investment, and administration of their academic improvement trust funds.

(b) The public school district education foundations, the regional consortium service organization education foundations, and the Florida School for the Deaf and the Blind shall be responsible for soliciting and receiving contributions to be deposited and matched with grants for academic achievement within the school district, school districts, or school.

(c) Each public school district education foundation, each regional consortium service organization education foundation, and the Florida School for the Deaf and the Blind shall be responsible for proper expenditure of the funds received pursuant to this section.

Section 13. Subsection (1) of section 1011.94, Florida Statutes, is amended to read:

1011.94 Trust Fund for University Major Gifts.--

(1) There is established a Trust Fund for University Major Gifts. The purpose of the trust fund is to enable each university and New College to provide donors with an incentive in the form of matching grants for donations for the establishment of permanent endowments and sales tax exemption matching funds received pursuant to s. 212.08(5)(j), which must be invested, with the proceeds of the investment used to support libraries and instruction and research programs, as defined by the State Board of Education. All funds appropriated for the challenge grants, new donors, major gifts, sales tax exemption matching funds pursuant to s. 212.08(5)(j), or eminent scholars program ~~may must~~ be deposited into the trust fund and invested pursuant to s. 17.61 until the State Board of Education allocates the funds to universities to match private donations. Notwithstanding s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and interest income accruing to the portion of the trust fund which is not matched and distributed to universities must remain in the trust fund and be used to increase the total

funds available for challenge grants. Funds deposited in the trust fund for the sales tax exemption matching program authorized in s. 212.08(5)(j), and interest earnings thereon, shall be maintained in a separate account within the Trust Fund for University Major Gifts, and may be used only to match qualified sales tax exemptions that a certified business designates for use by state universities and community colleges to support research and development projects requested by the certified business. The State Board of Education may authorize any university to encumber the state matching portion of a challenge grant from funds available under s. 1011.45.

Section 14. Subsections (1) and (3) of section 1013.79, Florida Statutes, are amended to read:

1013.79 University Facility Enhancement Challenge Grant Program.--

(1) The Legislature recognizes that the universities do not have sufficient physical facilities to meet the current demands of their instructional and research programs. It further recognizes that, to strengthen and enhance universities, it is necessary to provide facilities in addition to those currently available from existing revenue sources. It further recognizes that there are sources of private support that, if matched with state support, can assist in constructing much-needed facilities and strengthen the commitment of citizens and organizations in promoting excellence throughout the state universities. Therefore, it is the intent of the Legislature to establish a trust fund to provide the opportunity for each university to receive support for ~~and match~~ challenge grants for instructional and research-related capital facilities within the university.

(3) There is established the Alec P. Courtelis Capital Facilities Matching Trust Fund for the purpose of providing matching funds from private contributions for the development of high priority instructional and research-related capital facilities, including common areas connecting such facilities, within a university. The Legislature ~~may shall~~ appropriate funds to be transferred to the trust fund. The Public Education Capital Outlay and Debt Service Trust Fund, Capital Improvement Trust Fund, Division of Sponsored Research Trust Fund, and Contracts and Grants Trust Fund shall not be used as the source of the state match for private contributions. All appropriated funds deposited into the trust fund shall be invested pursuant to the provisions of s. 17.61. Interest income accruing to that portion of the trust fund shall increase the total funds available for the challenge grant program. Interest income accruing from the private donations shall be returned to the participating foundation upon completion of the project. The State Board of Education shall administer the trust fund and all related construction activities.

Section 15. This act shall take effect July 1, 2005.

Remove the entire title and insert:

A bill to be entitled

An act relating to education funding; amending s. 287.055, F.S.; including regional consortium service organizations under provisions relating to procurement and competitive selection of certain professional services; amending s. 1001.451, F.S.; revising provisions for award of incentive grants to regional consortium service organizations; amending 1001.453, F.S.; revising definition of direct-support organization to include a regional consortium service organization direct-support organization; authorizing use of property and requiring rules; providing for approval of a board of directors and requiring audits; amending ss. 1009.50, 1009.51, 1009.52, and 1009.89, F.S.; authorizing funds appropriated for Florida public student assistance grants, Florida private student assistance grants, Florida postsecondary student assistance grants, and William L. Boyd, IV, Florida resident access grants to be deposited in the State Student Financial Assistance Trust Fund; amending ss. 1010.09 and 1010.34, F.S.; conforming provisions relating to direct-support organizations and audits thereof; amending s. 1010.72, F.S.; authorizing funds to be credited to the Dale Hickam Excellent Teaching Program Trust Fund; amending s. 1011.62, F.S., relating to funds for operation of schools; providing for a transition sparsity supplement under

certain circumstances; revising provisions relating to the manner in which each school district's allocation of sparsity supplement funds shall be adjusted; amending s. 1011.765, F.S.; providing that the Florida Academic Improvement Trust Fund shall be utilized to provide matching grants to regional consortium service organization education foundations; amending s. 1011.94, F.S.; authorizing funds to be deposited in the Trust Fund for University Major Gifts; amending s. 1013.79, F.S.; authorizing the appropriation of funds to be transferred to the Alec P. Courtelis Capital Facilities Matching Trust Fund; providing an effective date.

Rep. Pickens moved the adoption of the amendment, which was adopted.

On motion by Rep. Pickens, the rules were waived and CS for SB 388 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 127

Speaker Bense in the Chair.

Yeas—112

Adams	Davis, D.	Homan	Porth
Allen	Davis, M.	Hukill	Proctor
Altman	Dean	Jennings	Quinones
Ambler	Detert	Johnson	Reagan
Anderson	Domino	Jordan	Rice
Antone	Evers	Kendrick	Richardson
Attkisson	Farkas	Kottkamp	Rivera
Ausley	Fields	Kravitz	Robaina
Barreiro	Flores	Kreegel	Roberson
Bean	Galvano	Kyle	Ross
Bendross-Mindingall	Gannon	Legg	Rubio
Bense	Garcia	Littlefield	Russell
Benson	Gardiner	Llorente	Ryan
Berfield	Gelber	Lopez-Cantera	Sands
Bilirakis	Gibson, A.	Machek	Sansom
Bogdanoff	Gibson, H.	Mahon	Seiler
Bowen	Glorioso	Mayfield	Simmons
Brandenburg	Goldstein	McInvale	Slosberg
Brown	Goodlette	Meadows	Smith
Brummer	Gottlieb	Mealor	Stansel
Bucher	Grant	Murzin	Stargel
Bullard	Greenstein	Needelman	Taylor
Cannon	Grimsley	Negron	Traviesa
Carroll	Harrell	Patterson	Troutman
Clarke	Hasner	Peterman	Vana
Cretul	Hays	Pickens	Waters
Culp	Henriquez	Planas	Williams
Cusack	Holloway	Poppell	Zapata

Nays—None

Votes after roll call:

- Yeas—Baxley, Sobel
- Yeas to Nays—Baxley

So the bill passed, as amended, and was certified to the Senate.

*The Honorable Allan Bense, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for SB 2584 and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By the Committee on Education Appropriations and Senator

Alexander—

**CS for SB 2584**—A bill to be entitled An act relating to higher education; amending s. 1011.94, F.S.; authorizing the deposit of funds appropriated by the Legislature into the Trust Fund for University Major Gifts; providing an effective date.

—was read the first time by title. On motion by Rep. Pickens, the rules were waived and the bill was read the second time by title.

Representative(s) Pickens offered the following:

(Amendment Bar Code: 411821)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause

Remove the entire title

Rep. Pickens moved the adoption of the amendment, which was adopted.

On motion by Rep. Pickens, the rules were waived and CS for SB 2584 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 128

Speaker Bense in the Chair.

Yeas—112

Adams	Davis, D.	Homan	Porth
Allen	Davis, M.	Hukill	Proctor
Altman	Dean	Jennings	Quinones
Ambler	Detert	Johnson	Reagan
Anderson	Domino	Jordan	Rice
Attkisson	Evers	Kendrick	Richardson
Ausley	Farkas	Kottkamp	Rivera
Barreiro	Fields	Kravitz	Robaina
Baxley	Flores	Kreegel	Roberson
Bean	Galvano	Kyle	Ross
Bendross-Mindingall	Gannon	Legg	Rubio
Bense	Garcia	Littlefield	Russell
Benson	Gardiner	Llorente	Ryan
Berfield	Gelber	Lopez-Cantera	Sands
Bilirakis	Gibson, A.	Machek	Sansom
Bogdanoff	Gibson, H.	Mahon	Seiler
Bowen	Glorioso	Mayfield	Simmons
Brandenburg	Goldstein	McInvale	Slosberg
Brown	Goodlette	Meadows	Smith
Brummer	Gottlieb	Mealor	Stansel
Bucher	Grant	Murzin	Stargel
Bullard	Greenstein	Needelman	Taylor
Cannon	Grimsley	Negron	Traviesa
Carroll	Harrell	Patterson	Troutman
Clarke	Hasner	Peterman	Vana
Cretul	Hays	Pickens	Waters
Culp	Henriquez	Planas	Williams
Cusack	Holloway	Poppell	Zapata

Nays—None

Votes after roll call:

- Yeas—Antone, Sobel

So the bill passed, as amended, and was certified to the Senate.

*The Honorable Allan Bense, Speaker*



I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 404 and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By the Committees on Ways and Means and Health and Human Services Appropriations and Saunders—

**CS for CS for SB 404**—A bill to be entitled An act relating to health care; amending s. 400.23, F.S.; delaying provisions requiring a nursing home staffing increase; amending ss. 409.903, 409.904, F.S.; deleting certain limitations on services to the medically needy; amending s. 409.906, F.S., relating to optional Medicaid services; providing for adult denture services; repealing s. 409.9065, F.S., relating to pharmaceutical expense assistance; amending s. 409.908, F.S.; revising guidelines relating to reimbursement of Medicaid providers; amending ss. 409.9112, 409.9113, 409.9117, F.S., relating to the hospital disproportionate share program; deleting obsolete provisions; amending s. 409.91195, F.S.; revising provisions relating to the Medicaid Pharmaceutical and Therapeutics Committee and its duties with respect to developing a preferred drug list; amending s. 409.912, F.S.; revising the Medicaid prescribed drug spending control program; eliminating case management fees; directing the Agency for Health Care Administration to implement, and authorizing it to seek federal waivers for, the program of all-inclusive care for children; amending s. 409.9122, F.S.; revising a provision governing assignment to a managed care option for a Medicaid recipient who does not choose a plan or provider in certain geographic areas where the Agency for Health Care Administration contracts for comprehensive behavioral health services; amending s. 409.9124, F.S.; requiring the Agency for Health Care Administration to publish managed care reimbursement rates annually; limiting the application of certain rates and rate reductions; providing effective dates.

—was read the first time by title. On motion by Rep. Bean, the rules were waived and the bill was read the second time by title.

On motion by Rep. Bean, the rules were waived and CS for CS for SB 404 was substituted for HB 1893. Under Rule 5.14, the House bill was laid on the table.

Representative(s) Bean offered the following:

(Amendment Bar Code: 932633)

**Amendment 1 (with title amendment)**—Remove the entire body and insert:

Section 1. Paragraph (a) of subsection (3) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.--

(3)(a) The agency shall adopt rules providing ~~for the~~ minimum staffing requirements for nursing homes. These requirements shall include, for each nursing home facility, a minimum certified nursing assistant staffing of 2.3 hours of direct care per resident per day beginning January 1, 2002, increasing to 2.6 hours of direct care per resident per day beginning January 1, 2003, and increasing to 2.9 hours of direct care per resident per day beginning July 1, 2006 ~~2005~~. Beginning January 1, 2002, no facility shall staff below one certified nursing assistant per 20 residents, and a minimum licensed nursing staffing of 1.0 hour of direct resident care per resident per day but never below one licensed nurse per 40 residents. Nursing assistants employed under s. 400.211(2) may be included in computing the staffing ratio for certified nursing assistants only if they provide nursing assistance services to residents on a full-time basis. Each nursing home must document compliance with staffing standards as required under this paragraph and post daily the names of staff on duty for the benefit of facility residents

and the public. The agency shall recognize the use of licensed nurses for compliance with minimum staffing requirements for certified nursing assistants, provided that the facility otherwise meets the minimum staffing requirements for licensed nurses and that the licensed nurses so recognized are performing the duties of a certified nursing assistant. Unless otherwise approved by the agency, licensed nurses counted toward the minimum staffing requirements for certified nursing assistants must exclusively perform the duties of a certified nursing assistant for the entire shift and shall not also be counted toward the minimum staffing requirements for licensed nurses. If the agency approved a facility's request to use a licensed nurse to perform both licensed nursing and certified nursing assistant duties, the facility must allocate the amount of staff time specifically spent on certified nursing assistant duties for the purpose of documenting compliance with minimum staffing requirements for certified and licensed nursing staff. In no event may the hours of a licensed nurse with dual job responsibilities be counted twice.

Section 2. Subsections (2) and (5) of section 409.814, Florida Statutes, are amended to read:

409.814 Eligibility.--A child who has not reached 19 years of age whose family income is equal to or below 200 percent of the federal poverty level is eligible for the Florida KidCare program as provided in this section. For enrollment in the Children's Medical Services Network, a complete application includes the medical or behavioral health screening. If, subsequently, an individual is determined to be ineligible for coverage, he or she must immediately be disenrolled from the respective Florida KidCare program component.

(2) A child who is not eligible for Medicaid, but who is eligible for the Florida KidCare program, may obtain health benefits coverage under any of the other components listed in s. 409.813 if such coverage is approved and available in the county in which the child resides. However, a child who is eligible for Medikids, including those eligible under subsection (5), may participate in the Florida Healthy Kids program only if the child has a sibling participating in the Florida Healthy Kids program and the child's county of residence permits such enrollment.

(5) A child whose family income is above 200 percent of the federal poverty level or a child who is excluded under the provisions of subsection (4) may apply for coverage and shall be allowed to participate in the Florida KidCare program, excluding the Medicaid program, but is subject to the following provisions:

(a) The family is not eligible for premium assistance payments and must pay the full cost of the premium, including any administrative costs.

(b) The agency is authorized to place limits on enrollment in Medikids by these children in order to avoid adverse selection. The number of children participating in Medikids whose family income exceeds 200 percent of the federal poverty level must not exceed 10 percent of total enrollees in the Medikids program.

(c) The board of directors of the Florida Healthy Kids Corporation is authorized to place limits on enrollment of these children in order to avoid adverse selection. In addition, the board is authorized to offer a reduced benefit package to these children in order to limit program costs for such families. The number of children participating in the Florida Healthy Kids program whose family income exceeds 200 percent of the federal poverty level must not exceed 10 percent of total enrollees in the Florida Healthy Kids program.

(d) Children described in this subsection are not counted in the annual enrollment ceiling for the Florida KidCare program.

Section 3. Subsection (5) of section 409.903, Florida Statutes, is amended to read:

409.903 Mandatory payments for eligible persons.--The agency shall make payments for medical assistance and related services on behalf of the following persons who the department, or the Social Security Administration by contract with the Department of Children and Family Services, determines to be eligible, subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations

Act or chapter 216.

(5) A pregnant woman for the duration of her pregnancy and for the postpartum period as defined in federal law and rule, or a child under age 1, if either is living in a family that has an income which is at or below 150 percent of the most current federal poverty level, or, effective January 1, 1992, that has an income which is at or below 185 percent of the most current federal poverty level. Such a person is not subject to an assets test. Further, a pregnant woman who applies for eligibility for the Medicaid program through a qualified Medicaid provider must be offered the opportunity, subject to federal rules, to be made presumptively eligible for the Medicaid program. ~~Effective July 1, 2005, eligibility for Medicaid services is eliminated for women who have incomes above 150 percent of the most current federal poverty level.~~

Section 4. Subsections (1) and (2) of section 409.904, Florida Statutes, are amended to read:

409.904 Optional payments for eligible persons.--The agency may make payments for medical assistance and related services on behalf of the following persons who are determined to be eligible subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(1)(a) ~~From July 1, 2005, through December 31, 2005, inclusive,~~ a person who is age 65 or older or is determined to be disabled, whose income is at or below 88 percent of federal poverty level, and whose assets do not exceed established limitations.

~~(b) Effective January 1, 2006, and subject to federal waiver approval, a person who is age 65 or older or is determined to be disabled, whose income is at or below 88 percent of the federal poverty level, whose assets do not exceed established limitations, and who is not eligible for Medicare, or, if eligible for Medicare, is also eligible for and receiving Medicaid-covered institutional care or hospice or home-based and community-based services. The agency shall seek federal authorization through a waiver to provide this coverage.~~

(2) A family, a pregnant woman, a child under age 21, a person age 65 or over, or a blind or disabled person, who would be eligible under any group listed in s. 409.903(1), (2), or (3), except that the income or assets of such family or person exceed established limitations. For a family or person in one of these coverage groups, medical expenses are deductible from income in accordance with federal requirements in order to make a determination of eligibility. A family or person eligible under the coverage known as the "medically needy," is eligible to receive the same services as other Medicaid recipients, with the exception of services in skilled nursing facilities and intermediate care facilities for the developmentally disabled. ~~Effective July 1, 2005, the medically needy are eligible for prescribed drug services only.~~

Section 5. Paragraph (b) of subsection (1) of section 409.906, Florida Statutes, is amended to read:

409.906 Optional Medicaid services.--Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. Optional services rendered by providers in mobile units to Medicaid recipients may be restricted or prohibited by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. If necessary to safeguard the state's systems of providing services to elderly and disabled persons and subject to the notice and review provisions of s. 216.177, the Governor may direct the Agency for Health Care Administration to amend the Medicaid state plan to delete the optional Medicaid service known as "Intermediate

Care Facilities for the Developmentally Disabled." Optional services may include:

(1) ADULT DENTAL SERVICES.--

(b) ~~Beginning January 1, 2005,~~ The agency may pay for dentures, the procedures required to seat dentures, and the repair and relining of dentures, provided by or under the direction of a licensed dentist, for a recipient who is 21 years of age or older. ~~This paragraph is repealed effective July 1, 2005.~~

Section 6. ~~Effective January 1, 2006, section 409.9065, Florida Statutes, is repealed.~~

Section 7. Paragraph (b) of subsection (2) and subsection (14) of section 409.908, Florida Statutes, are amended to read:

409.908 Reimbursement of Medicaid providers.--Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. If a provider is reimbursed based on cost reporting and submits a cost report late and that cost report would have been used to set a lower reimbursement rate for a rate semester, then the provider's rate for that semester shall be retroactively calculated using the new cost report, and full payment at the recalculated rate shall be effected retroactively. Medicare-granted extensions for filing cost reports, if applicable, shall also apply to Medicaid cost reports. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(2)

(b) Subject to any limitations or directions provided for in the General Appropriations Act, the agency shall establish and implement a Florida Title XIX Long-Term Care Reimbursement Plan (Medicaid) for nursing home care in order to provide care and services in conformance with the applicable state and federal laws, rules, regulations, and quality and safety standards and to ensure that individuals eligible for medical assistance have reasonable geographic access to such care.

1. Changes of ownership or of licensed operator do not qualify for increases in reimbursement rates associated with the change of ownership or of licensed operator. The agency shall amend the Title XIX Long Term Care Reimbursement Plan to provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with related and unrelated party changes of ownership or licensed operator filed on or after September 1, 2001, are equivalent to the previous owner's reimbursement rate.

2. The agency shall amend the long-term care reimbursement plan and cost reporting system to create direct care and indirect care subcomponents of the patient care component of the per diem rate. These two subcomponents together shall equal the patient care component of the per diem rate. Separate cost-based ceilings shall be calculated for each patient care subcomponent. The direct care ~~and indirect care subcomponents subcomponent~~ of the per diem rate shall be limited by the ~~cost based class ceiling, and the indirect care subcomponent shall be limited by the lower of a the cost-based class ceiling, a by the target rate class ceiling, or an by the individual provider target for each subcomponent.~~ ~~The agency shall adjust the patient care component effective January 1, 2002.~~ The cost to adjust the direct care subcomponent shall be the net of the total funds previously allocated for the case mix add-on. ~~The agency shall make the required changes to the~~

~~nursing home cost reporting forms to implement this requirement effective January 1, 2002.~~

3. The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, and certified nursing assistants who deliver care directly to residents in the nursing home facility. This excludes nursing administration, MDS, and care plan coordinators, staff development, and staffing coordinator.

4. All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate. There shall be no costs directly or indirectly allocated to the direct care subcomponent from a home office or management company.

5. On July 1 of each year, the agency shall report to the Legislature direct and indirect care costs, including average direct and indirect care costs per resident per facility and direct care and indirect care salaries and benefits per category of staff member per facility.

6. In order to offset the cost of general and professional liability insurance, the agency shall amend the plan to allow for interim rate adjustments to reflect increases in the cost of general or professional liability insurance for nursing homes. This provision shall be implemented to the extent existing appropriations are available.

It is the intent of the Legislature that the reimbursement plan achieve the goal of providing access to health care for nursing home residents who require large amounts of care while encouraging diversion services as an alternative to nursing home care for residents who can be served within the community. The agency shall base the establishment of any maximum rate of payment, whether overall or component, on the available moneys as provided for in the General Appropriations Act. The agency may base the maximum rate of payment on the results of scientifically valid analysis and conclusions derived from objective statistical data pertinent to the particular maximum rate of payment.

(14) A provider of prescribed drugs shall be reimbursed the least of the amount billed by the provider, the provider's usual and customary charge, or the Medicaid maximum allowable fee established by the agency, plus a dispensing fee.

(a) For pharmacies with less than \$75,000 in average aggregate monthly payments, the Medicaid maximum allowable fee for ingredient cost will be based on the lower of: average wholesale price (AWP) minus 15.4 percent, wholesaler acquisition cost (WAC) plus 5.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.

(b) For pharmacies with \$75,000 or more in average aggregate monthly payments, the Medicaid maximum allowable fee for ingredient cost will be based on the lower of: average wholesale price (AWP) minus 17 percent, wholesaler acquisition cost (WAC) plus 3.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider.

(c) Medicaid providers are required to dispense generic drugs if available at lower cost and the agency has not determined that the branded product is more cost-effective, unless the prescriber has requested and received approval to require the branded product. The agency is directed to implement a variable dispensing fee for payments for prescribed medicines while ensuring continued access for Medicaid recipients. The variable dispensing fee may be based upon, but not limited to, either or both the volume of prescriptions dispensed by a specific pharmacy provider, the volume of prescriptions dispensed to an individual recipient, and dispensing of preferred-drug-list products. The agency may increase the pharmacy dispensing fee authorized by statute and in the annual General Appropriations Act by \$0.50 for the dispensing of a Medicaid preferred-drug-list product and reduce the pharmacy dispensing fee by \$0.50 for the dispensing of a Medicaid product that is not included on the preferred drug list. The agency may establish a supplemental pharmaceutical dispensing fee to be paid to providers returning unused unit-dose packaged medications to stock and crediting the Medicaid program for the ingredient cost of those medications if the

ingredient costs to be credited exceed the value of the supplemental dispensing fee. The agency is authorized to limit reimbursement for prescribed medicine in order to comply with any limitations or directions provided for in the General Appropriations Act, which may include implementing a prospective or concurrent utilization review program.

Section 8. Paragraph (a) of subsection (39) of section 409.912, Florida Statutes, is amended, and subsections (50) and (51) are added to said section, to read:

409.912 Cost-effective purchasing of health care.--The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers shall not be entitled to enrollment in the Medicaid provider network. The agency is authorized to seek federal waivers necessary to implement this policy.

(39)(a) The agency shall implement a Medicaid prescribed-drug spending-control program that includes the following components:

1. Medicaid prescribed-drug coverage for brand-name drugs for adult Medicaid recipients is limited to the dispensing of ~~three~~ ~~four~~ brand-name drugs and three generic drugs per month per recipient. Children are exempt from this restriction. ~~Antiretroviral agents are excluded from this limitation. No requirements for prior authorization or other restrictions on medications used to treat mental illnesses such as schizophrenia, severe depression, or bipolar disorder may be imposed on Medicaid recipients. Medications that will be available without restriction for persons with mental illnesses include atypical antipsychotic medications, conventional antipsychotic medications, selective serotonin reuptake inhibitors, and other medications used for the treatment of serious mental illnesses.~~ The agency shall also limit the amount of a prescribed drug dispensed to no more than a 34-day supply. ~~The agency shall continue to provide unlimited generic drugs, contraceptive drugs and items, and diabetic supplies.~~ Although a drug may be included on the preferred drug formulary, it would not be exempt from the ~~three-brand~~ ~~four-brand~~ limit or the generic drug limit. ~~The agency may authorize exceptions to the~~

~~brand name drug restriction based upon the treatment needs of the patients, only when such exceptions are based on prior consultation provided by the agency or an agency contractor, but the agency must establish procedures to ensure that:~~

~~a. There will be a response to a request for prior consultation by telephone or other telecommunication device within 24 hours after receipt of a request for prior consultation;~~

~~b. A 72 hour supply of the drug prescribed will be provided in an emergency or when the agency does not provide a response within 24 hours as required by sub-subparagraph a.; and~~

~~e. Except for the exception for nursing home residents and other institutionalized adults and except for drugs on the restricted formulary for which prior authorization may be sought by an institutional or community pharmacy, prior authorization for an exception to the brand-name drug restriction is sought by the prescriber and not by the pharmacy. When prior authorization is granted for a patient in an institutional setting beyond the brand name drug restriction, such approval is authorized for 12 months and monthly prior authorization is not required for that patient.~~

2. Reimbursement to pharmacies for Medicaid prescribed drugs shall be set at the lesser of:

a. The average wholesale price (AWP) minus 15.4 percent, the wholesaler acquisition cost (WAC) plus 5.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider for pharmacies with less than \$75,000 in average aggregate monthly payments.

b. The average wholesale price (AWP) minus 17 percent, wholesaler acquisition cost (WAC) plus 3.75 percent, the federal upper limit (FUL), the state maximum allowable cost (SMAC), or the usual and customary (UAC) charge billed by the provider for pharmacies with \$75,000 or more in average aggregate monthly payments.

3. The agency shall develop and implement a process for managing the drug therapies of Medicaid recipients who are using significant numbers of prescribed drugs each month. The management process may include, but is not limited to, comprehensive, physician-directed medical-record reviews, claims analyses, and case evaluations to determine the medical necessity and appropriateness of a patient's treatment plan and drug therapies. The agency may contract with a private organization to provide drug-program-management services. The Medicaid drug benefit management program shall include initiatives to manage drug therapies for HIV/AIDS patients, patients using 20 or more unique prescriptions in a 180-day period, and the top 1,000 patients in annual spending. The agency shall enroll any Medicaid recipient in the drug benefit management program if he or she meets the specifications of this provision and is not enrolled in a Medicaid health maintenance organization.

4. The agency may limit the size of its pharmacy network based on need, competitive bidding, price negotiations, credentialing, or similar criteria. The agency shall give special consideration to rural areas in determining the size and location of pharmacies included in the Medicaid pharmacy network. A pharmacy credentialing process may include criteria such as a pharmacy's full-service status, location, size, patient educational programs, patient consultation, disease-management services, and other characteristics. The agency may impose a moratorium on Medicaid pharmacy enrollment when it is determined that it has a sufficient number of Medicaid-participating providers.

5. The agency shall develop and implement a program that requires Medicaid practitioners who prescribe drugs to use a counterfeit-proof prescription pad for Medicaid prescriptions. The agency shall require the use of standardized counterfeit-proof prescription pads by Medicaid-participating prescribers or prescribers who write prescriptions for Medicaid recipients. The agency may implement the program in targeted geographic areas or statewide.

6. The agency may enter into arrangements that require manufacturers of generic drugs prescribed to Medicaid recipients to provide rebates of at least 15.1 percent of the average manufacturer price for the

manufacturer's generic products. These arrangements shall require that if a generic-drug manufacturer pays federal rebates for Medicaid-reimbursed drugs at a level below 15.1 percent, the manufacturer must provide a supplemental rebate to the state in an amount necessary to achieve a 15.1-percent rebate level.

7. The agency may establish a preferred drug formulary in accordance with 42 U.S.C. s. 1396r-8, and, pursuant to the establishment of such formulary, it is authorized to negotiate supplemental rebates from manufacturers that are in addition to those required by Title XIX of the Social Security Act and at no less than 14 percent of the average manufacturer price as defined in 42 U.S.C. s. 1936 on the last day of a quarter unless the federal or supplemental rebate, or both, equals or exceeds 29 percent. There is no upper limit on the supplemental rebates the agency may negotiate. The agency may determine that specific products, brand-name or generic, are competitive at lower rebate percentages. Agreement to pay the minimum supplemental rebate percentage will guarantee a manufacturer that the Medicaid Pharmaceutical and Therapeutics Committee will consider a product for inclusion on the preferred drug formulary. However, a pharmaceutical manufacturer is not guaranteed placement on the formulary by simply paying the minimum supplemental rebate. Agency decisions will be made on the clinical efficacy of a drug and recommendations of the Medicaid Pharmaceutical and Therapeutics Committee, as well as the price of competing products minus federal and state rebates. The agency is authorized to contract with an outside agency or contractor to conduct negotiations for supplemental rebates. For the purposes of this section, the term "supplemental rebates" means cash rebates. Effective July 1, 2004, value-added programs as a substitution for supplemental rebates are prohibited. The agency is authorized to seek any federal waivers to implement this initiative.

8. The agency shall establish an advisory committee for the purposes of studying the feasibility of using a restricted drug formulary for nursing home residents and other institutionalized adults. The committee shall be comprised of seven members appointed by the Secretary of Health Care Administration. The committee members shall include two physicians licensed under chapter 458 or chapter 459; three pharmacists licensed under chapter 465 and appointed from a list of recommendations provided by the Florida Long-Term Care Pharmacy Alliance; and two pharmacists licensed under chapter 465.

9. The Agency for Health Care Administration shall expand home delivery of pharmacy products. To assist Medicaid patients in securing their prescriptions and reduce program costs, the agency shall expand its current mail-order-pharmacy diabetes-supply program to include all generic and brand-name drugs used by Medicaid patients with diabetes. Medicaid recipients in the current program may obtain nondiabetes drugs on a voluntary basis. This initiative is limited to the geographic area covered by the current contract. The agency may seek and implement any federal waivers necessary to implement this subparagraph.

10. The agency shall limit to one dose per month any drug prescribed to treat erectile dysfunction.

11.a. The agency shall implement a Medicaid behavioral drug management system. The agency may contract with a vendor that has experience in operating behavioral drug management systems to implement this program. The agency is authorized to seek federal waivers to implement this program.

b. The agency, in conjunction with the Department of Children and Family Services, may implement the Medicaid behavioral drug management system that is designed to improve the quality of care and behavioral health prescribing practices based on best practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid behavioral drugs. The program shall include the following elements:

(I) Provide for the development and adoption of best practice guidelines for behavioral health-related drugs such as antipsychotics, antidepressants, and medications for treating bipolar disorders and other

behavioral conditions; translate them into practice; review behavioral health prescribers and compare their prescribing patterns to a number of indicators that are based on national standards; and determine deviations from best practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid beneficiaries who are outliers in their use of behavioral health drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of behavioral health drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple same-class behavioral health drugs, and may have other potential medication problems.

(V) Track spending trends for behavioral health drugs and deviation from best practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement a disease management program with a model quality-based medication component for severely mentally ill individuals and emotionally disturbed children who are high users of care.

c. If the agency is unable to negotiate a contract with one or more manufacturers to finance and guarantee savings associated with a behavioral drug management program by September 1, 2004, the four-brand drug limit and preferred drug list prior-authorization requirements shall apply to mental health-related drugs, notwithstanding any provision in subparagraph 1. The agency is authorized to seek federal waivers to implement this policy.

12. The agency is authorized to contract for drug rebate administration, including, but not limited to, calculating rebate amounts, invoicing manufacturers, negotiating disputes with manufacturers, and maintaining a database of rebate collections.

13. The agency may specify the preferred daily dosing form or strength for the purpose of promoting best practices with regard to the prescribing of certain drugs as specified in the General Appropriations Act and ensuring cost-effective prescribing practices.

14. The agency may require prior authorization for the off-label use of Medicaid-covered prescribed drugs as specified in the General Appropriations Act. The agency may, but is not required to, preauthorize the use of a product for an indication not in the approved labeling. Prior authorization may require the prescribing professional to provide information about the rationale and supporting medical evidence for the off-label use of a drug.

15. The agency shall implement a return and reuse program for drugs dispensed by pharmacies to institutional recipients, which includes payment of a \$5 restocking fee for the implementation and operation of the program. The return and reuse program shall be implemented electronically and in a manner that promotes efficiency. The program must permit a pharmacy to exclude drugs from the program if it is not practical or cost-effective for the drug to be included and must provide for the return to inventory of drugs that cannot be credited or returned in a cost-effective manner.

(50) The agency may implement a program of all-inclusive care for children to reduce the need for hospitalization of children, as appropriate. The purpose of the program is to provide in-home hospice-like support services to children diagnosed with a life-threatening illness who are enrolled in the Children's Medical Services Network. The agency, in consultation with the Department of Health, may implement the program of all-inclusive care for children after obtaining approval from the Centers for Medicare and Medicaid Services.

(51) By July 1, 2005, the agency shall develop a plan for implementing the delivery of comprehensive vision care services to Medicaid recipients through a capitated prepaid arrangement. The plan

shall include contracting with a private entity or entities to provide for the comprehensive vision care services through a capitated prepaid arrangement. However, the entity must:

(a) Be licensed under chapter 627.

(b) Have sufficient financial resources.

(c) Have a contracted provider network that has statewide coverage.

(d) Have experience in providing medical and surgical vision care services.

(e) Have experience with the implementation of large statewide contracts. As used in this section, the term "vision care services" means covered vision services, including routine, medical, and surgical vision care services that are available to Medicaid recipients. If necessary, the agency shall seek federal approval to contract with a single entity meeting these requirements to provide vision care services to all Medicaid recipients. The entity must offer sufficient choice of providers within its network to ensure access to care for the recipient and the opportunity to select a provider with whom the recipient is satisfied.

Section 9. Paragraph (k) of subsection (2) of section 409.9122, Florida Statutes, is amended to read:

409.9122 Mandatory Medicaid managed care enrollment; programs and procedures.--

(2)

(k) When a Medicaid recipient does not choose a managed care plan or MediPass provider, the agency shall assign the Medicaid recipient to a managed care plan, except in those counties in which there are fewer than two managed care plans accepting Medicaid enrollees, in which case assignment shall be to a managed care plan or a MediPass provider. Medicaid recipients in counties with fewer than two managed care plans accepting Medicaid enrollees who are subject to mandatory assignment but who fail to make a choice shall be assigned to managed care plans until an enrollment of 40 percent in MediPass and 60 percent in managed care plans is achieved. Once that enrollment is achieved, the assignments shall be divided in order to maintain an enrollment in MediPass and managed care plans which is in a 40 percent and 60 percent proportion, respectively. ~~In geographic areas where the agency is contracting for the provision of comprehensive behavioral health services through a capitated prepaid arrangement, recipients who fail to make a choice shall be assigned equally to MediPass or a managed care plan.~~ For purposes of this paragraph, when referring to assignment, the term "managed care plans" includes exclusive provider organizations, provider service networks, Children's Medical Services Network, minority physician networks, and pediatric emergency department diversion programs authorized by this chapter or the General Appropriations Act. When making assignments, the agency shall take into account the following criteria:

1. A managed care plan has sufficient network capacity to meet the need of members.

2. The managed care plan or MediPass has previously enrolled the recipient as a member, or one of the managed care plan's primary care providers or MediPass providers has previously provided health care to the recipient.

3. The agency has knowledge that the member has previously expressed a preference for a particular managed care plan or MediPass provider as indicated by Medicaid fee-for-service claims data, but has failed to make a choice.

4. The managed care plan's or MediPass primary care providers are geographically accessible to the recipient's residence.

5. The agency has authority to make mandatory assignments based on quality of service and performance of managed care plans.

Section 10. Subsections (6) and (7) are added to section 409.9124, Florida Statutes, to read:

409.9124 Managed care reimbursement.--

(6) The agency shall develop rates for children age 0-3 months and separate rates for children age 4-12 months. The agency shall amend the payment methodology for participating Medicaid-managed health care plans to comply with this subsection.

(7) The agency shall not pay rates at per-member per-month averages higher than that allowed for in the General Appropriations Act.

Section 11. Except as otherwise provided herein, this act shall take effect July 1, 2005.

Remove the entire title and insert:

A bill to be entitled

An act relating to health care; amending s. 400.23, F.S.; delaying a nursing home staffing increase; amending s. 409.814, F.S.; granting more children access to the Florida KidCare program; amending s. 409.903, F.S.; deleting a provision eliminating eligibility for Medicaid services for certain women; amending s. 409.904, F.S.; providing for the Agency for Health Care Administration to pay for medical assistance for certain Medicaid-eligible persons; deleting a limitation on eligibility for coverage under the medically needy program; amending s. 409.906, F.S.; deleting a repeal of a provision that provides adult denture services; repealing s. 409.9065, F.S., relating to pharmaceutical expense assistance; amending s. 409.908, F.S.; revising provisions relating to the long-term care reimbursement and cost reporting system; revising provisions relating to the Medicaid maximum allowable fee for certain pharmacies; amending s. 409.912, F.S.; revising components of the Medicaid prescribed-drug spending-control program; authorizing the agency to implement a program of all-inclusive care for certain children; authorizing the agency to adopt rules; requiring a plan for comprehensive vision care services; amending s. 409.9122, F.S.; deleting assignment requirement for recipients in areas with capitated behavioral health services; amending s. 409.9124, F.S.; requiring the agency to develop managed care rates for children of specified ages and to amend the methodology for reimbursing managed care plans to comply therewith; limiting the amount of reimbursement; providing effective dates.

Rep. Bean moved the adoption of the amendment, which was adopted.

On motion by Rep. Bean, the rules were waived and CS for SB 404 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 129

Speaker Bense in the Chair.

Yeas—113

Adams	Clarke	Greenstein	Meadows
Allen	Cretul	Grimsley	Mealor
Altman	Culp	Harrell	Murzin
Ambler	Cusack	Hasner	Needelman
Anderson	Davis, D.	Hays	Negron
Antone	Davis, M.	Henriquez	Patterson
Attkisson	Dean	Holloway	Peterman
Ausley	Detert	Homan	Pickens
Barreiro	Domino	Hukill	Planas
Baxley	Evers	Jennings	Poppell
Bean	Farkas	Johnson	Porth
Bendross-Mindingall	Fields	Jordan	Proctor
Bense	Flores	Kendrick	Quinones
Benson	Galvano	Kottkamp	Reagan
Berfield	Gannon	Kravitz	Rice
Bilirakis	Garcia	Kreegel	Richardson
Bogdanoff	Gardiner	Kyle	Rivera
Bowen	Gelber	Legg	Robaina
Brandenburg	Gibson, A.	Littlefield	Roberson
Brown	Gibson, H.	Llorente	Ross
Brummer	Glorioso	Lopez-Cantera	Rubio
Bucher	Goldstein	Machek	Russell
Bullard	Goodlette	Mahon	Ryan
Cannon	Gottlieb	Mayfield	Sands
Carroll	Grant	McInvale	Sansom

Seiler	Stansel	Troutman	Zapata
Simmons	Stargel	Vana	
Slosberg	Taylor	Waters	
Smith	Traviesa	Williams	

Nays—None

Votes after roll call:

Yeas—Sobel

So the bill passed, as amended, and was certified to the Senate.

*The Honorable Allan Bense, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for SB 408 and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By the Committee on Health and Human Services Appropriations and Senator Saunders—

**CS for SB 408**—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 414.065, F.S.; revising the penalties imposed by the department against a participant who is receiving temporary cash assistance and who fails to comply with work requirements; eliminating provisions allowing the continuation of temporary cash assistance for children; amending s. 414.095, F.S.; revising certain requirements for determining eligibility for temporary cash assistance in order to conform to federal requirements; eliminating certain eligibility options for stepparents; amending s. 414.105, F.S.; providing for a lifetime cumulative period during which a person may receive temporary cash assistance; eliminating certain other time limitations; revising the membership requirements for regional workforce boards; repealing s. 414.32(2), F.S., relating to disqualification from the food stamp program for an arrearage in child support payments; amending ss. 409.2564 and 445.048, F.S.; conforming cross-references; repealing s. 114, ch. 2004-267, Laws of Florida, relating to authorization for the department to contract with private vendors for determining eligibility for the Economic Self-Sufficiency Services program; providing an effective date.

—was read the first time by title. On motion by Rep. Galvano, the rules were waived and the bill was read the second time by title.

On motion by Rep. Galvano, the rules were waived and CS for SB 408 was substituted for HB 1895. Under Rule 5.14, the House bill was laid on the table.

Representative(s) Bean offered the following:

(Amendment Bar Code: 381627)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Subsection (12) of section 409.2564, Florida Statutes, is amended to read:

409.2564 Actions for support.--

(12) The Title IV-D agency shall review child support orders in IV-D cases at least every 3 years upon request by either party, or the agency in cases where there is an assignment of support to the state under s. 414.095(7)(~~8~~), and may seek adjustment of the order if appropriate under the guidelines established in s. 61.30. Not less than once every 3 years the IV-D agency shall provide notice to the parties subject to the order informing them of their right to request a review and, if appropriate, an adjustment of the child support order. Said notice requirement may be

met by including appropriate language in the initial support order or any subsequent orders.

Section 2. Subsections (3) through (5) of section 414.065, Florida Statutes, are renumbered as subsections (2) through (4), respectively, and present subsections (1) and (2) of said section are amended to read:

414.065 Noncompliance with work requirements.--

(1) PENALTIES FOR NONPARTICIPATION IN WORK REQUIREMENTS AND FAILURE TO COMPLY WITH ALTERNATIVE REQUIREMENT PLANS.--~~The department shall establish procedures for administering penalties for nonparticipation in work requirements and failure to comply with the alternative requirement plan.~~ If an individual in a family receiving temporary cash assistance fails to engage in work activities required under in accordance with s. 445.024 or under an alternative requirement plan as described in subsection (3), the department shall administer sanctions consistent with federal food stamp regulations as provided under 7 C.F.R. part 273, including the state option to disqualify the entire household when the head of the household is noncompliant following penalties shall apply. Prior to the imposition of a sanction, the participant shall be notified orally or in writing that the participant is subject to sanction and that action will be taken to impose the sanction unless the participant complies with the work activity requirements or the alternative requirement plan. The participant shall be counseled as to the consequences of noncompliance and, if appropriate, shall be referred for services that could assist the participant to fully comply with program requirements. If the participant has good cause for noncompliance or demonstrates satisfactory compliance, the sanction shall not be imposed. If the participant has subsequently obtained employment, the participant shall be counseled regarding the transitional benefits that may be available and provided information about how to access such benefits. The department shall administer sanctions related to food stamps consistent with federal regulations.

~~(a)1. First noncompliance: temporary cash assistance shall be terminated for the family for a minimum of 10 days or until the individual who failed to comply does so.~~

~~2. Second noncompliance: temporary cash assistance shall be terminated for the family for 1 month or until the individual who failed to comply does so, whichever is later. Upon meeting this requirement, temporary cash assistance shall be reinstated to the date of compliance or the first day of the month following the penalty period, whichever is later.~~

~~3. Third noncompliance: temporary cash assistance shall be terminated for the family for 3 months or until the individual who failed to comply does so, whichever is later. The individual shall be required to comply with the required work activity upon completion of the 3 month penalty period, before reinstatement of temporary cash assistance. Upon meeting this requirement, temporary cash assistance shall be reinstated to the date of compliance or the first day of the month following the penalty period, whichever is later.~~

~~(b) If a participant receiving temporary cash assistance who is otherwise exempted from noncompliance penalties fails to comply with the alternative requirement plan required in accordance with this section, the penalties provided in paragraph (a) shall apply.~~

If a participant fully complies with work activity requirements for at least 6 months, the participant shall be reinstated as being in full compliance with program requirements for purpose of sanctions imposed under this section.

(2) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR CHILDREN; PROTECTIVE PAYEES.--

(a) Upon the second or third occurrence of noncompliance, temporary cash assistance and food stamps for the child or children in a family who are under age 16 may be continued. Any such payments must be made through a protective payee or, in the case of food stamps, through an authorized representative. Under no circumstances shall temporary cash assistance or food stamps be paid to an individual who has failed to comply with program requirements.

(b) Protective payees shall be designated by the department and may

include:

~~1. A relative or other individual who is interested in or concerned with the welfare of the child or children and agrees in writing to utilize the assistance in the best interest of the child or children.~~

~~2. A member of the community affiliated with a religious, community, neighborhood, or charitable organization who agrees in writing to utilize the assistance in the best interest of the child or children.~~

~~3. A volunteer or member of an organization who agrees in writing to fulfill the role of protective payee and to utilize the assistance in the best interest of the child or children.~~

~~(c) The protective payee designated by the department shall be the authorized representative for purposes of receiving food stamps on behalf of a child or children under age 16. The authorized representative must agree in writing to use the food stamps in the best interest of the child or children.~~

~~(d) If it is in the best interest of the child or children, as determined by the department, for the staff member of a private agency, a public agency, the department, or any other appropriate organization to serve as a protective payee or authorized representative, such designation may be made, except that a protective payee or authorized representative must not be any individual involved in determining eligibility for temporary cash assistance or food stamps for the family, staff handling any fiscal processes related to issuance of temporary cash assistance or food stamps, or landlords, grocers, or vendors of goods, services, or items dealing directly with the participant.~~

~~(e) The department may pay incidental expenses or travel expenses for costs directly related to performance of the duties of a protective payee as necessary to implement the provisions of this subsection.~~

Section 3. Subsections (5) through (19) of section 414.095, Florida Statutes, are renumbered as subsections (4) through (18), respectively, and paragraph (a) of subsection (2), present subsection (4), paragraphs (c) and (e) of present subsection (15), and present subsection (17) of said section are amended to read:

414.095 Determining eligibility for temporary cash assistance.--

(2) ADDITIONAL ELIGIBILITY REQUIREMENTS.--

(a) To be eligible for services or temporary cash assistance and Medicaid:

1. An applicant must be a United States citizen, or a qualified noncitizen, as defined in this section.

2. An applicant must be a legal resident of the state.

3. Each member of a family must provide to the department the member's social security number or shall provide proof of application for a social security number. An individual who fails to provide to the department a social security number, or proof of application for a social security number, is not eligible to participate in the program.

4. A minor child must reside with a custodial parent or parents, or with a relative caretaker who is within the specified degree of blood relationship as defined by 45 C.F.R. part 233 under this chapter, or, if the minor is a teen parent with a child, in a setting approved by the department as provided in subsection (14).

5. Each family must have a minor child and meet the income and resource requirements of the program. All minor children who live in the family, as well as the parents of the minor children, shall be included in the eligibility determination unless specifically excluded.

(4) STEPPARENTS. A family that contains a stepparent has the following special eligibility options if the family meets all other eligibility requirements:

(a) A family that does not contain a mutual minor child has the option to include or exclude a stepparent in determining eligibility if the stepparent's monthly gross income is less than 185 percent of the federal poverty level for a two-person family.

1. If the stepparent chooses to be excluded from the family, temporary cash assistance, without shelter expense, shall be provided for the child. The parent of the child must comply with work activity requirements as provided in s. 445.024. Income and resources from the stepparent may not be included in determining eligibility; however, any income and

resources from the parent of the child shall be included in determining eligibility.

2. If a stepparent chooses to be included in the family, the department shall determine eligibility using the requirements for a nonstepparent family. A stepparent whose income is equal to or greater than 185 percent of the federal poverty level for a two person family does not have the option to be excluded from the family, and all income and resources of the stepparent shall be included in determining the family's eligibility.

(b) A family that contains a mutual minor child does not have the option to exclude a stepparent from the family, and the income and resources from the stepparent shall be included in determining eligibility.

(c) A family that contains two stepparents, with or without a mutual minor child, does not have the option to exclude a stepparent from the family, and the income and resources from each stepparent must be included in determining eligibility.

~~(14)~~~~(15)~~ PROHIBITIONS AND RESTRICTIONS.--

(c) The teen parent is not required to live with a parent, legal guardian, or other adult caretaker relative if the department determines that:

1. The teen parent has suffered or might suffer harm in the home of the parent, legal guardian, or adult caretaker relative.

2. The requirement is not in the best interest of the teen parent or the child. If the department determines that it is not in the best interest of the teen parent or child to reside with a parent, legal guardian, or other adult caretaker relative, the department shall provide or assist the teen parent in finding a suitable home, a second-chance home, a maternity home, or other appropriate adult-supervised supportive living arrangement. Such living arrangement may include a shelter obligation in accordance with subsection ~~(10)~~~~(11)~~.

The department may not delay providing temporary cash assistance to the teen parent through the alternative payee designated by the department pending a determination as to where the teen parent should live and sufficient time for the move itself. A teen parent determined to need placement that is unavailable shall continue to be eligible for temporary cash assistance so long as the teen parent cooperates with the department and the Department of Health. The teen parent shall be provided with counseling to make the transition from independence to supervised living and with a choice of living arrangements.

(e) If a parent or caretaker relative does not assign any rights a family member may have to support from any other person as required by subsection ~~(7)~~~~(8)~~, temporary cash assistance to the entire family shall be denied until the parent or caretaker relative assigns the rights to the department.

~~(16)~~~~(17)~~ PROPORTIONAL REDUCTION.--If the Social Services Estimating Conference forecasts an increase in the temporary cash assistance caseload and there is insufficient funding, a proportional reduction as determined by the department shall be applied to the levels of temporary cash assistance in subsection ~~(10)~~~~(11)~~.

Section 4. Section 414.105, Florida Statutes, is amended to read:

414.105 Time limitations of temporary cash assistance.--~~Except as~~ ~~Unless otherwise expressly~~ provided in this ~~section~~ ~~chapter~~, an applicant or current participant shall receive temporary cash assistance for no episodes of not more than 24 cumulative months in any consecutive 60-month period that begins with the first month of participation and for not more than a lifetime cumulative total of 48 months as an adult, unless otherwise provided by law.

~~(1) The time limitation for episodes of temporary cash assistance may not exceed 36 cumulative months in any consecutive 72-month period that begins with the first month of participation and may not exceed a lifetime cumulative total of 48 months of temporary cash assistance as an adult, for cases in which the participant:~~

~~(a) Has received aid to families with dependent children or temporary cash assistance for any 36 months of the preceding 60 months; or~~

~~(b) Is a custodial parent under the age of 24 who:~~

~~1. Has not completed a high school education or its equivalent; or~~

~~2. Had little or no work experience in the preceding year.~~

~~(2) A participant who is not exempt from work activity requirements may earn 1 month of eligibility for extended temporary cash assistance, up to a maximum of 12 additional months, for each month in which the participant is fully complying with the work activities of the WAGES Program through subsidized or unsubsidized public or private sector employment. The period for which extended temporary cash assistance is granted shall be based upon compliance with WAGES Program requirements beginning October 1, 1996.~~

~~(3) A WAGES participant who is not exempt from work activity requirements and who participates in a recommended mental health or substance abuse treatment program may earn 1 month of eligibility for extended temporary cash assistance, up to a maximum of 12 additional months, for each month in which the individual fully complies with the requirements of the treatment program. This treatment credit may be awarded only upon the successful completion of the treatment program and only once during the 48-month time limit.~~

~~(1)~~~~(4) A participant may not receive temporary cash assistance under this subsection, in combination with other periods of temporary cash assistance for longer than a lifetime limit of 48 months. Hardship exemptions to the time limitations provided in this section of this chapter shall be limited to 20 percent of the average monthly caseload, as determined by the department in cooperation with Workforce Florida, Inc. Criteria for hardship exemptions include:~~

~~(a) Diligent participation in activities, combined with inability to obtain employment.~~

~~(b) Diligent participation in activities, combined with extraordinary barriers to employment, including the conditions which may result in an exemption to work requirements.~~

~~(c) Significant barriers to employment, combined with a need for additional time.~~

~~(d) Diligent participation in activities and a need by teen parents for an exemption in order to have 24 months of eligibility beyond receipt of the high school diploma or equivalent.~~

~~(e) A recommendation of extension for a minor child of a participating family that has reached the end of the eligibility period for temporary cash assistance. The recommendation must be the result of a review which determines that the termination of the child's temporary cash assistance would be likely to result in the child being placed into emergency shelter or foster care. Temporary cash assistance shall be provided through a protective payee. Staff of the Child Care Services Program Office of the department shall conduct all assessments in each case in which it appears a child may require continuation of temporary cash assistance through a protective payee.~~

~~(2)~~~~(5) In addition to the exemptions listed in subsection (3), A victim of domestic violence may be granted a hardship exemption if the effects of such domestic violence delay or otherwise interrupt or adversely affect the individual's participation in the program.~~

~~(3)~~~~(6) The department, in cooperation with Workforce Florida, Inc., shall establish a procedure for approving hardship exemptions and for reviewing hardship cases at least once every 2 years. Regional workforce boards may assist in making these determinations. The composition of any review panel must generally reflect the racial, gender, and ethnic diversity of the community as a whole. Members of a review panel shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061.~~

~~(4)~~~~(7) For individuals who have moved from another state, the months in which temporary cash assistance was received under a block grant program that provided temporary assistance for needy families in any state shall count towards the cumulative 48-month benefit limit for temporary cash assistance.~~

~~(5)~~~~(8) For individuals subject to a time limitation under the Family Transition Act of 1993, that time limitation shall continue to apply. Months in which temporary cash assistance was received through the family transition program shall count towards the time limitations under this section chapter.~~



~~(6)(9)~~ Except when temporary cash assistance was received through the family transition program, the calculation of the time limitation for temporary cash assistance shall begin with the first month of receipt of temporary cash assistance after the effective date of this act.

~~(7)(4)~~ Child-only cases are not subject to time limitations, and temporary cash assistance received while an individual is a minor child shall not count towards time limitations.

~~(8)(4)~~ An individual who receives benefits under the Supplemental Security Income (SSI) program or the Social Security Disability Insurance (SSDI) program is not subject to time limitations. An individual who has applied for supplemental security income (SSI) or supplemental security disability income (SSDI), but has not yet received a determination must be granted an extension of time limits until the individual receives a final determination on the SSI or SSDI application. Determination shall be considered final once all appeals have been exhausted, benefits have been received, or denial has been accepted without any appeal. While awaiting a final determination, ~~the such~~ individual must continue to meet all program requirements assigned to the participant based on medical ability to comply. If a final determination results in the denial of benefits for supplemental security income (SSI) or supplemental security disability income (SSDI), any period during which the recipient received assistance under this ~~section chapter~~ shall ~~be counted in count against~~ the recipient's 48-month lifetime limit.

~~(9)(4)~~ A person who is totally responsible for the personal care of a disabled family member is not subject to time limitations if the need for the care is verified and alternative care is not available for the family member. The department shall annually evaluate an individual's qualifications for this exemption.

~~(10)(4)~~ A member of the staff of the regional workforce board shall interview and assess the employment prospects and barriers of each participant who is within 6 months of reaching the ~~48-month 24-month~~ time limit. The staff member shall assist the participant in identifying actions necessary to become employed prior to reaching the benefit time limit for temporary cash assistance and, if appropriate, shall refer the participant for services that could facilitate employment.

Section 5. Subsections (3) through (5) of section 414.32, Florida Statutes, are renumbered as subsections (2) through (4), respectively, and present subsection (2) of said section is amended to read:

414.32 Prohibitions and restrictions with respect to food stamps.--

~~(2) DISQUALIFICATION FOR CHILD SUPPORT ARREARS. An individual is ineligible to participate in the food stamp program as a member of a food stamp assistance group during any month in which the individual is delinquent in any payment due under a court order for the support of a child. This subsection does not apply if the court is allowing the individual to delay payment for the support of a child or if the individual is complying with a payment plan approved by the court or the state agency that administers the child support enforcement program.~~

Section 6. Subsection (3) of section 445.048, Florida Statutes, as amended by chapter 2004-269, Laws of Florida, is amended to read:

445.048 Passport to Economic Progress demonstration program.--

(3) INCOME DISREGARD.--In order to provide an additional incentive for employment, and notwithstanding the amount specified in s. 414.095~~(11)(4)~~, for individuals residing in the areas designated for this demonstration program, the first \$300 plus one-half of the remainder of earned income shall be disregarded in determining eligibility for temporary cash assistance. All other conditions and requirements of s. 414.095~~(11)(4)~~ shall continue to apply to such individuals.

Section 7. Section 114 of chapter 2004-267, Laws of Florida, is repealed.

Section 8. This act shall take effect July 1, 2005.

Remove the entire title and insert:

A bill to be entitled

An act relating to economic eligibility services; amending s. 409.2564, F.S.; correcting a cross reference; amending s. 414.065, F.S.; aligning

food stamp sanctions with federal penalties; deleting provisions relating to continuation of temporary cash assistance for children through protective payees; amending s. 414.095, F.S.; clarifying eligibility for temporary cash assistance for teen parents; deleting additional eligibility options relating to families containing a stepparent; correcting cross references; amending s. 414.105, F.S.; aligning time limitations for temporary cash assistance with federal requirements; deleting provisions relating to review panels; amending s. 414.32, F.S.; deleting food stamp sanctions for persons who are delinquent on child support payments; amending s. 445.048, F.S.; correcting a cross reference; repealing s. 114 of ch. 2004-267, Laws of Florida, relating to the Economic Self-Sufficiency Services program eligibility determination functions; providing an effective date.

Rep. Bean moved the adoption of the amendment, which was adopted.

On motion by Rep. Galvano, the rules were waived and CS for SB 408 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 130

Speaker Bense in the Chair.

Yeas—113

Adams	Davis, D.	Hukill	Quinones
Allen	Davis, M.	Jennings	Reagan
Altman	Dean	Johnson	Rice
Ambler	Detert	Jordan	Richardson
Anderson	Domino	Kendrick	Rivera
Antone	Evers	Kottkamp	Robaina
Attkisson	Farkas	Kravitz	Roberson
Ausley	Fields	Kreegel	Ross
Barreiro	Flores	Kyle	Rubio
Baxley	Galvano	Legg	Russell
Bean	Gannon	Littlefield	Ryan
Bendross-Mindingall	Garcia	Llorente	Sands
Bense	Gardiner	Lopez-Cantera	Sansom
Benson	Gelber	Machek	Seiler
Berfield	Gibson, A.	Mahon	Simmons
Bilirakis	Gibson, H.	Mayfield	Slosberg
Bogdanoff	Glorioso	McInvale	Smith
Bowen	Goldstein	Meadows	Stansel
Brandenburg	Goodlette	Mealor	Stargel
Brown	Gottlieb	Murzin	Taylor
Brummer	Grant	Needelman	Traviesa
Bucher	Greenstein	Negron	Troutman
Bullard	Grimsley	Patterson	Vana
Cannon	Harrell	Peterman	Waters
Carroll	Hasner	Pickens	Williams
Clarke	Hays	Planas	Zapata
Cretul	Henriquez	Poppell	
Culp	Holloway	Porth	
Cusack	Homan	Proctor	

Nays—None

Votes after roll call:

Yeas—Sobel

So the bill passed, as amended, and was certified to the Senate.

*The Honorable Allan Bense, Speaker*

I am directed to inform the House of Representatives that the Senate

has passed CS for SB 410 and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By the Committee on Health and Human Services Appropriations and Senator Saunders—

**CS for SB 410**—A bill to be entitled An act relating to the Department of Health; amending s. 456.013, F.S.; eliminating a requirement that the department issue wall certificates; amending s. 456.017, F.S.; prohibiting the use of a state-developed examination if a national examination has been certified by the department; revising the criteria under which an applicant may challenge the validity of an examination; authorizing the department to post examination scores on the Internet in lieu of mailing the scores to each applicant; amending s. 456.036, F.S.; providing for a retired-status license; providing a fee for changing to retired status at the time of license renewal; requiring an additional fee if retired status is chosen at any time other than at the time of license renewal; authorizing each board or the department to reexamine a licensee who has been retired or inactive for a specified period in order to assess the licensee's competency; amending s. 464.201, F.S.; defining the phrase "practice of a certified nursing assistant"; amending s. 464.202, F.S.; requiring the Board of Nursing to adopt rules specifying the scope of practice and level of supervision required for certified nursing assistants; amending s. 464.203, F.S.; requiring the biennial renewal of certification as a nursing assistant; reducing the number of required hours of inservice training for certified nursing assistants; providing a fee for certification renewal; providing an effective date.

—was read the first time by title. On motion by Rep. Bean, the rules were waived and the bill was read the second time by title.

On motion by Rep. Bean, the rules were waived and CS for SB 410 was substituted for HB 1897. Under Rule 5.14, the House bill was laid on the table.

Representative Bean offered the following:

(Amendment Bar Code: 047605)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Subsection (2) of section 456.013, Florida Statutes, is amended to read:

456.013 Department; general licensing provisions.--

(2) Before the issuance of any license, the department shall charge an initial license fee as determined by the applicable board or, if there is no ~~such~~ board ~~exists~~, by rule of the department. Upon receipt of the appropriate license fee, the department shall issue a license to any person certified by the appropriate board, or its designee, as having met the licensure requirements imposed by law or rule. The license shall consist of a wallet-size identification card and a wall card measuring 6 1/2 inches by 5 inches. ~~In addition to the two part license, the department, at the time of initial licensure, shall issue a wall certificate suitable for conspicuous display, which shall be no smaller than 8 1/2 inches by 14 inches. The licensee shall surrender to the department the wallet-size identification card and the wall card, and the wall certificate, if one has been issued by the department, if the licensee's license was issued in error or is revoked.~~

Section 2. Paragraph (c) of subsection (1) and subsection (2) of section 456.017, Florida Statutes, are amended, and subsection (7) is added to said section, to read:

456.017 Examinations.--

(1)

(c)~~+~~ The board, or the department when there is no board, shall

approve by rule the use of one or more national examinations which the department has certified as meeting requirements of national examinations and generally accepted testing standards pursuant to department rules.

1. Providers of examinations seeking certification ~~by the department~~ shall pay the actual costs incurred by the department in making a determination regarding the certification. The name and number of a candidate may be provided to a national contractor for the limited purpose of preparing the grade tape and information to be returned to the board or department; or, to the extent otherwise specified by rule, the candidate may apply directly to the vendor of the national examination and supply test score information to the department. The department may delegate to the board the duty to provide and administer the examination. Any national examination approved by a board, or the department when there is no board, prior to October 1, 1997, is deemed certified under this paragraph.

2. ~~The board, or the department when there is no board, shall approve and begin administering a national examination no later than December 31, 2001.~~ Neither the board nor the department may administer a state-developed written examination if a national examination has been certified by the department after December 31, 2001, notwithstanding any other provision of law. The examination may be administered electronically if adequate security measures are used, as determined by rule of the department.

3. The board, or the department when there is no board, may administer a state-developed practical or clinical examination, as required by the applicable practice act, if all costs of development, purchase, validation, administration, review, and defense are paid by the examination candidate prior to the administration of the examination. If a national practical or clinical examination is available and certified by the department pursuant to this section, the board, or the department when there is no board, may administer the national examination.

4. It is the intent of the Legislature to reduce the costs associated with state examinations and to encourage the use of national examinations whenever possible.

(2) For each examination developed by the department or a contracted vendor, the board, or the department when there is no board, shall adopt rules providing for reexamination of any applicants who failed an examination developed by the department or a contracted vendor. If both a written and a practical examination are given, an applicant shall be required to retake only the portion of the examination on which the applicant failed to achieve a passing grade, if the applicant successfully passes that portion within a reasonable time, as determined by rule of the board, or the department when there is no board, of passing the other portion. Except for national examinations approved and administered pursuant to this section, the department shall provide procedures for applicants who fail an examination developed by the department or a contracted vendor to review their examination questions, answers, papers, grades, and grading key for the questions the candidate answered incorrectly or, if not feasible, the parts of the examination failed. Applicants shall bear the actual cost for the department to provide examination review pursuant to this subsection. An applicant may waive in writing the confidentiality of the applicant's examination grades. Notwithstanding any other provisions, only candidates who fail an examination with a score that is by less than 10 percent below the minimum score required to pass the examination shall be entitled to challenge the validity of the examination at hearing.

(7) The department may post examination scores electronically on the Internet in lieu of mailing the scores to each applicant. Such electronic posting of the examination scores meets the requirements of chapter 120 if the department also posts with the examination scores a notification of rights as set forth in chapter 120. The date of receipt for purposes of chapter 120 shall be the date the examination scores are posted electronically. The department shall also notify the examinee when scores are posted electronically of the availability of a postexamination review, if applicable.

Section 3. Subsections (5) through (11) of section 456.025, Florida Statutes, are renumbered as subsections (4) through (10), respectively, and present subsection (4) of said section is amended to read:

456.025 Fees; receipts; disposition.--

~~(4) Each board, or the department if there is no board, may charge a fee not to exceed \$25, as determined by rule, for the issuance of a wall certificate pursuant to s. 456.013(2) requested by a licensee who was licensed prior to July 1, 1998, or for the issuance of a duplicate wall certificate requested by any licensee.~~

Section 4. Subsections (1), (2), and (4) of section 456.036, Florida Statutes, are amended, subsections (10), (12), and (13) are renumbered as subsections (11), (14), and (15), respectively, present subsection (11) is renumbered as subsection (13) and amended, and new subsections (10) and (12) are added to said section, to read:

456.036 Licenses; active, ~~and~~ inactive, ~~and~~ retired status; delinquency.--

(1) A licensee may practice a profession only if the licensee has an active status license. A licensee who practices a profession with an inactive status, retired status, or delinquent without an active status license is in violation of this section and s. 456.072, and the board, or the department if there is no board, may impose discipline on the licensee.

(2) Each board, or the department if there is no board, shall permit a licensee to choose, at the time of licensure renewal, an active, ~~or~~ inactive, ~~or~~ retired status.

(4) Notwithstanding any other provision of law to the contrary, a licensee may change licensure status at any time.

(a) Active status licensees choosing inactive status at the time of license renewal must pay the inactive status renewal fee, and, if applicable, the delinquency fee and the fee to change licensure status. Active status licensees choosing inactive status at any other time than at the time of license renewal must pay the fee to change licensure status.

(b) Active status or inactive status licensees choosing retired status at the time of license renewal must pay the retired status fee, not to exceed \$50, as established by rule of the board, or the department if there is no board. Active status or inactive status licensees choosing retired status at any other time than at the time of license renewal must pay the retired status fee plus the fee to change licensure status.

~~(c)(b)~~ An inactive status licensee may change to active status at any time, if the licensee meets all requirements for active status. Inactive status licensees choosing active status at the time of license renewal must pay the active status renewal fee, any applicable reactivation fees as set by the board, or the department if there is no board, and, if applicable, the delinquency fee and the fee to change licensure status. Inactive status licensees choosing active status at any other time than at the time of license renewal must pay the difference between the inactive status renewal fee and the active status renewal fee, if any exists, any applicable reactivation fees as set by the board, or the department if there is no board, and the fee to change licensure status.

(10) Each board, or the department if there is no board, may by rule impose reasonable conditions, including full reexamination to assess current competency, necessary to ensure that a licensee who has been on retired status for more than 5 years or a licensee from another state who has not been in active practice within the past 5 years and who applies for active status is able to practice with the care and skill sufficient to protect the health, safety, and welfare of the public. Reactivation requirements may differ depending on the length of time licensees are retired.

(12) Before reactivation, a retired status licensee must meet the same continuing education requirements, if any, and pay any renewal fees imposed on active status licensees for all biennial licensure periods in which the licensee was in retired status.

~~(13)(H)~~ The status or a change in status of a licensee does not alter in any way the right of the board, or of the department if there is no board, to impose discipline or to enforce discipline previously imposed on a licensee for acts or omissions committed by the licensee while holding a license, whether active, inactive, retired, or delinquent.

Section 5. Subsection (5) of section 464.201, Florida Statutes, is

renumbered as subsection (6), and a new subsection (5) is added to said section to read:

464.201 Definitions.--As used in this part, the term:

(5) "Practice of a certified nursing assistant" means the provision of care and assistance with tasks relating to the activities of daily living. Such tasks are those associated with personal care, maintaining mobility, nutrition and hydration, toileting and elimination, assistive devices, safety and cleanliness, data gathering, reporting abnormal signs and symptoms, postmortem care, patient socialization and reality orientation, end-of-life care, cardiopulmonary resuscitation and emergency care, residents' or patients' rights, documentation of nursing assistant services, and other tasks that a certified nursing assistant may perform after training beyond that required for initial certification and upon validation of competence in that skill by the registered nurse. This subsection does not restrict the ability of any person who is otherwise trained and educated from performing such tasks.

Section 6. Section 464.202, Florida Statutes, is amended to read:

464.202 Duties and powers of the board.--The board shall maintain, or contract with or approve another entity to maintain, a state registry of certified nursing assistants. The registry must consist of the name of each certified nursing assistant in this state; other identifying information defined by board rule; certification status; the effective date of certification; other information required by state or federal law; information regarding any crime or any abuse, neglect, or exploitation as provided under chapter 435; and any disciplinary action taken against the certified nursing assistant. The registry shall be accessible to the public, the certificateholder, employers, and other state agencies. The board shall adopt by rule testing procedures for use in certifying nursing assistants and shall adopt rules regulating the practice of certified nursing assistants that specify the scope of practice authorized and the level of supervision required for the practice of certified nursing assistants to enforce this part. The board may contract with or approve another entity or organization to provide the examination services, including the development and administration of examinations. The board shall require that the contract provider offer certified nursing assistant applications via the Internet, and may require the contract provider to accept certified nursing assistant applications for processing via the Internet. The board shall require the contract provider to provide the preliminary results of the certified nursing examination on the date the test is administered. The provider shall pay all reasonable costs and expenses incurred by the board in evaluating the provider's application and performance during the delivery of services, including examination services and procedures for maintaining the certified nursing assistant registry.

Section 7. Subsections (5) and (7) of section 464.203, Florida Statutes, are amended, and subsection (8) is added to said section, to read:

464.203 Certified nursing assistants; certification requirement.--

(5) Certification as a nursing assistant, in accordance with this part, may be renewed ~~continues in effect~~ until such time as the nursing assistant allows a period of 24 consecutive months to pass during which period the nursing assistant fails to perform any nursing-related services for monetary compensation. When a nursing assistant fails to perform any nursing-related services for monetary compensation for a period of 24 consecutive months, the nursing assistant must complete a new training and competency evaluation program or a new competency evaluation program.

(7) A certified nursing assistant shall complete 12 ~~48~~ hours of inservice training during each calendar year. The certified nursing assistant shall be responsible for maintaining documentation demonstrating compliance with these provisions. The Council on Certified Nursing Assistants, in accordance with s. 464.2085(2)(b), shall propose rules to implement this subsection.

(8) The department shall renew a certificate upon receipt of the renewal application and receipt of a fee. The department shall adopt rules establishing a procedure for the biennial renewal of certificates and the imposition of a fee of not less than \$20 and not more than \$50 biennially. Any certificate not renewed by July 1, 2006, is void.

Section 8. This act shall take effect July 1, 2005.

Remove the entire title and insert:

A bill to be entitled

An act relating to the regulation of health care professionals; amending s. 456.013, F.S.; deleting the requirement that the Department of Health issue wall certificates; requiring licensees with licenses issued in error to surrender certain documents to the department; amending s. 456.017, F.S.; specifying that a state-developed test is not permitted if a national examination has been certified by the department; clarifying the limitation on who may challenge the validity of an examination; permitting the department to post examination scores on the Internet; amending s. 456.025, F.S.; deleting an obsolete provision; amending s. 456.036, F.S.; providing for a retired license status and providing a fee for such status; authorizing the department to reexamine certain licensees under certain circumstances; providing requirements for retired status licensees to reactivate their licenses; amending s. 464.201, F.S.; defining "practice of a certified nursing assistant"; amending s. 464.202, F.S.; requiring the Board of Nursing to adopt rules to specify the scope of practice for certified nursing assistants; amending s. 464.203, F.S.; providing for the renewal of nursing assistant certification; providing for a fee; reducing the hours of inservice training required of certified nursing assistants; requiring certification as a nursing assistant to be renewed and authorizing a fee for such renewal; requiring the department to adopt rules regarding such renewal; providing that certificates not renewed by a specified date are void; providing an effective date.

Rep. Bean moved the adoption of the amendment, which was adopted.

On motion by Rep. Bean, the rules were waived and CS for SB 410 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 131

Speaker Bense in the Chair.

Yeas—113

Adams	Cusack	Holloway	Poppell
Allen	Davis, D.	Homan	Porth
Altman	Davis, M.	Hukill	Proctor
Ambler	Dean	Jennings	Quinones
Anderson	Detert	Johnson	Reagan
Antone	Domino	Jordan	Rice
Attkisson	Evers	Kendrick	Richardson
Ausley	Farkas	Kottkamp	Rivera
Barreiro	Fields	Kravitz	Robaina
Baxley	Flores	Kreegel	Roberson
Bean	Galvano	Kyle	Ross
Bendross-Mindingall	Gannon	Legg	Rubio
Bense	Garcia	Littlefield	Russell
Benson	Gardiner	Llorente	Ryan
Berfield	Gelber	Lopez-Cantera	Sands
Bilirakis	Gibson, A.	Machek	Sansom
Bogdanoff	Gibson, H.	Mahon	Seiler
Bowen	Glorioso	Mayfield	Simmons
Brandenburg	Goldstein	McInvale	Slosberg
Brown	Goodlette	Meadows	Smith
Brummer	Gottlieb	Mealor	Stansel
Bucher	Grant	Murzin	Stargel
Bullard	Greenstein	Needelman	Taylor
Cannon	Grimsley	Negron	Traviesa
Carroll	Harrell	Patterson	Troutman
Clarke	Hasner	Peterman	Vana
Cretul	Hays	Pickens	Waters
Culp	Henriquez	Planas	Williams

Zapata

Nays—None

Votes after roll call:

Yeas—Sobel

So the bill passed, as amended, and was certified to the Senate.

*The Honorable Allan Bense, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for SB 394 and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By the Committee on General Government Appropriations and Clary—

**CS for SB 394**—A bill to be entitled An act relating to the enforcement of farm labor laws; amending s. 450.38, F.S.; requiring that moneys to enforce farm labor laws be transferred to the Professional Regulation Trust Fund from the Workers' Compensation Administration Trust Fund within the Department of Financial Services; authorizing the appropriation of moneys for such purpose; providing an effective date.

—was read the first time by title. On motion by Rep. Berfield, the rules were waived and the bill was read the second time by title.

On motion by Rep. Berfield, the rules were waived and CS for SB 394 was substituted for HB 1909. Under Rule 5.14, the House bill was laid on the table.

Representative(s) Berfield offered the following:

(Amendment Bar Code: 919467)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Subsection (8) is added to section 450.38, Florida Statutes, to read:

450.38 Enforcement of farm labor laws.--

(8) Funds for the enforcement of the farm labor laws shall be transferred to the Professional Regulation Trust Fund within the Department of Business and Professional Regulation from the Workers' Compensation Administration Trust Fund within the Department of Financial Services.

Section 2. In addition to the purpose of the Workers' Compensation Administration Trust Fund specified in section 440.50(1)(a), Florida Statutes, funds in the Workers' Compensation Administration Trust Fund within the Department of Financial Services may also be appropriated to fund the enforcement of farm labor laws by the Department of Business and Professional Regulation.

Section 3. This act shall take effect January 1, 2006.

Remove the entire title and insert:

A bill to be entitled

An act relating to the enforcement of farm labor laws; amending s. 450.38, F.S.; requiring that funds for the enforcement of farm labor laws be transferred to the Professional Regulation Trust Fund within the Department of Business and Professional Regulation from the Workers' Compensation Administration Trust Fund within the Department of Financial Services; authorizing the appropriation of moneys for such purpose; providing an effective date.

Rep. Berfield moved the adoption of the amendment, which was

adopted.

On motion by Rep. Berfield, the rules were waived and CS for SB 394 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 132

Speaker Bense in the Chair.

Yeas—113

Adams	Davis, D.	Hukill	Quinones
Allen	Davis, M.	Jennings	Reagan
Altman	Dean	Johnson	Rice
Amblor	Detert	Jordan	Richardson
Anderson	Domino	Kendrick	Rivera
Antone	Evers	Kottkamp	Robaina
Attkisson	Farkas	Kravitz	Roberson
Ausley	Fields	Kreegel	Ross
Barreiro	Flores	Kyle	Rubio
Baxley	Galvano	Legg	Russell
Bean	Gannon	Littlefield	Ryan
Bendross-Mindingall	Garcia	Llorente	Sands
Bense	Gardiner	Lopez-Cantera	Sansom
Benson	Gelber	Machek	Seiler
Berfield	Gibson, A.	Mahon	Simmons
Bilirakis	Gibson, H.	Mayfield	Slosberg
Bogdanoff	Glorioso	McInvale	Smith
Bowen	Goldstein	Meadows	Stansel
Brandenburg	Goodlette	Mealor	Stargel
Brown	Gottlieb	Murzin	Taylor
Brummer	Grant	Needelman	Traviesa
Bucher	Greenstein	Negron	Troutman
Bullard	Grimsley	Patterson	Vana
Cannon	Harrell	Peterman	Waters
Carroll	Hasner	Pickens	Williams
Clarke	Hays	Planas	Zapata
Cretul	Henriquez	Poppell	
Culp	Holloway	Porth	
Cusack	Homan	Proctor	

Nays—None

Votes after roll call:

Yeas—Sobel

So the bill passed, as amended, and was certified to the Senate.

*The Honorable Allan Bense, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for SB 400 and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By the Committee on General Government Appropriations and Clary—

**CS for SB 400**—A bill to be entitled An act relating to the procurement of commodities or contractual services; amending s. 287.057, F.S.; requiring that the Department of Management Services compensate a provider for on-line procurement pursuant to appropriation after satisfying ongoing costs; requiring that the provider report transaction data to the department; requiring that fees due to the state on a transactional basis or as a fixed percentage of savings generated be deposited into the State Treasury; requiring that a vendor pay interest on

the balance of fees remaining due and unpaid; providing an effective date.

—was read the first time by title. On motion by Rep. Berfield, the rules were waived and the bill was read the second time by title.

On motion by Rep. Berfield, the rules were waived and CS for SB 400 was substituted for HB 1911. Under Rule 5.14, the House bill was laid on the table.

Representative(s) Berfield offered the following:

(Amendment Bar Code: 236479)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (23) of section 287.057, Florida Statutes, is amended to read:

287.057 Procurement of commodities or contractual services.--  
(23)

(c) 1. The department may impose and shall collect all fees for the use of the on-line procurement systems. Such ~~The~~ fees may be imposed on an individual transaction basis or as a fixed percentage of the cost savings generated. At a minimum, the fees must be set in an amount sufficient to cover the projected costs of such services, including administrative and project service costs in accordance with the policies of the department. All fees and surcharges collected under this paragraph shall be deposited into the Grants and Donations Trust Fund as provided by law.

2. If the department contracts with a provider for on-line procurement, the department, pursuant to appropriation, shall compensate the provider from such fees after the department has satisfied all ongoing costs. The provider shall report transaction data to the department each month so that the department may determine the amount due and payable to the department from each vendor.

3. All fees that are due and payable to the state on a transactional basis or as a fixed percentage of the cost savings generated are subject to s. 215.31 and must be remitted within 40 days after receipt of payment for which such fees are due. For any fees that are not remitted within 40 days, the vendor shall pay interest at the rate established under s. 55.03(1) on the unpaid balance from the expiration of the 40-day period until the fees are remitted. For the purposes of compensating the provider, the department may authorize the provider to collect and retain a portion of the fees. The providers may withhold the portion retained from the amount of fees to be remitted to the department. The department may negotiate the retainage as a percentage of such fees charged to users, as a flat amount, or as any other method the department deems feasible. All fees and surcharges collected under this paragraph shall be deposited in the Grants and Donation Trust Fund as provided by law.

Section 2. This act shall take effect January 1, 2006.

Remove the entire title, and insert:

A bill to be entitled

An act relating to the procurement of commodities or contractual services; amending s. 287.057, F.S.; requiring that the Department of Management Services compensate a provider for on-line procurement pursuant to appropriation after satisfying ongoing costs; requiring that the provider report transaction data to the department; requiring that fees due to the state on a transactional basis or as a fixed percentage of savings generated be deposited into the State Treasury; requiring that a vendor pay interest on the balance of fees remaining due and unpaid; providing an effective date.

Rep. Berfield moved the adoption of the amendment, which was adopted.

On motion by Rep. Berfield, the rules were waived and CS for SB 400 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 133

Speaker Bense in the Chair.

Yeas—113

Adams	Davis, D.	Hukill	Quinones
Allen	Davis, M.	Jennings	Reagan
Altman	Dean	Johnson	Rice
Ambler	Detert	Jordan	Richardson
Anderson	Domino	Kendrick	Rivera
Antone	Evers	Kottkamp	Robaina
Attkisson	Farkas	Kravitz	Roberson
Ausley	Fields	Kreegel	Ross
Barreiro	Flores	Kyle	Rubio
Baxley	Galvano	Legg	Russell
Bean	Gannon	Littlefield	Ryan
Bendross-Mindingall	Garcia	Llorente	Sands
Bense	Gardiner	Lopez-Cantera	Sansom
Benson	Gelber	Machek	Seiler
Berfield	Gibson, A.	Mahon	Simmons
Bilirakis	Gibson, H.	Mayfield	Slosberg
Bogdanoff	Glorioso	McInvale	Smith
Bowen	Goldstein	Meadows	Stansel
Brandenburg	Goodlette	Mealor	Stargel
Brown	Gottlieb	Murzin	Taylor
Brummer	Grant	Needelman	Traviesa
Bucher	Greenstein	Negron	Troutman
Bullard	Grimsley	Patterson	Vana
Cannon	Harrell	Peterman	Waters
Carroll	Hasner	Pickens	Williams
Clarke	Hays	Planas	Zapata
Cretul	Henriquez	Poppell	
Culp	Holloway	Porth	
Cusack	Homan	Proctor	

Nays—None

Votes after roll call:

Yeas—Sobel

So the bill passed, as amended, and was certified to the Senate.

*The Honorable Allan Bense, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for SB 424, as amended, and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By the Committee on Ways and Means and Senator Carlton—

**CS for SB 424**—A bill to be entitled An act relating to employee benefits; providing for the resolution of certain collective bargaining issues at impasse between the State of Florida and certified bargaining units of state employees; providing an effective date.

—was read the first time by title. On motion by Rep. Berfield, the rules were waived and the bill was read the second time by title.

On motion by Rep. Berfield, the rules were waived and CS for SB 424 was substituted for HB 1913. Under Rule 5.14, the House bill was laid on

the table.

Representative(s) Berfield offered the following:

(Amendment Bar Code: 636363)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. All economic collective bargaining issues at impasse for the 2005-2006 fiscal year between the State of Florida and the legal representatives of the certified bargaining units for state employees shall be resolved pursuant to the instructions provided in Senate Bill 2600, 2005 Regular Session, and the relevant provisions of any legislation enacted to implement Senate Bill 2600.

Section 2. All noneconomic collective bargaining issues at impasse for the 2005-2006 fiscal year between the State of Florida and the legal representatives of the certified bargaining units for state employees shall be resolved consistent with the personnel rules in effect on March 8, 2005, and the relevant provisions of any legislation modifying the terms and conditions of state employment.

Section 3. This act shall take effect January 1, 2006.

Remove the entire title and insert:

A bill to be entitled

An act relating to employee benefits; providing for the resolution of certain collective bargaining issues at impasse between the State of Florida and certified bargaining units of state employees; providing an effective date.

Rep. Berfield moved the adoption of the amendment, which was adopted.

On motion by Rep. Berfield, the rules were waived and CS for SB 424 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 134

Speaker Bense in the Chair.

Yeas—100

Adams	Cusack	Hays	Negron
Allen	Davis, D.	Henriquez	Patterson
Altman	Davis, M.	Holloway	Peterman
Ambler	Dean	Homan	Pickens
Anderson	Detert	Hukill	Planas
Antone	Domino	Johnson	Poppell
Attkisson	Evers	Jordan	Porth
Barreiro	Farkas	Kendrick	Proctor
Baxley	Fields	Kottkamp	Quinones
Bean	Flores	Kravitz	Reagan
Bense	Galvano	Kreegel	Rice
Benson	Gannon	Kyle	Richardson
Berfield	Garcia	Legg	Rivera
Bilirakis	Gardiner	Littlefield	Robaina
Bogdanoff	Gelber	Llorente	Roberson
Bowen	Gibson, H.	Lopez-Cantera	Ross
Brandenburg	Glorioso	Machek	Rubio
Brown	Goldstein	Mahon	Russell
Brummer	Goodlette	Mayfield	Ryan
Cannon	Grant	McInvale	Sansom
Carroll	Greenstein	Meadows	Simmons
Clarke	Grimsley	Mealor	Stansel
Cretul	Harrell	Murzin	Stargel
Culp	Hasner	Needelman	Traviesa

Troutman	Waters	Williams	Zapata
Nays—12			
Ausley	Gibson, A.	Sands	Smith
Bendross-Mindingall	Gottlieb	Seiler	Taylor
Bucher	Jennings	Slosberg	Vana

Votes after roll call:  
Nays—Sobel

So the bill passed, as amended, and was certified to the Senate.

*The Honorable Allan Bense, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for SB 392 and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By the Committee on General Government Appropriations and Clary—

**CS for SB 392**—A bill to be entitled An act relating to the Water Quality Assurance Trust Fund; amending s. 376.307, F.S.; authorizing the Department of Environmental Protection to use certain funds for brownfield activities; providing an effective date.

—was read the first time by title. On motion by Rep. Mayfield, the rules were waived and the bill was read the second time by title.

Representative(s) Mayfield offered the following:

(Amendment Bar Code: 156373)

**Amendment 1 (with title amendment)**—Remove everything after the enacting clause

Remove the entire title

Rep. Mayfield moved the adoption of the amendment, which was adopted.

On motion by Rep. Mayfield, the rules were waived and CS for SB 392 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 135

Speaker Bense in the Chair.

Yeas—112

Adams	Benson	Cretul	Gannon
Allen	Berfield	Culp	Garcia
Altman	Bilirakis	Cusack	Gardiner
Ambler	Bogdanoff	Davis, D.	Gelber
Anderson	Bowen	Davis, M.	Gibson, A.
Antone	Brandenburg	Dean	Gibson, H.
Attkisson	Brown	Detert	Glorioso
Ausley	Brummer	Domino	Goldstein
Barreiro	Bucher	Evers	Goodlette
Baxley	Bullard	Farkas	Gottlieb
Bean	Cannon	Fields	Grant
Bendross-Mindingall	Carroll	Flores	Greenstein
Bense	Clarke	Galvano	Grimsley

Harrell	Legg	Pickens	Ryan
Hasner	Littlefield	Planas	Sands
Hays	Llorente	Poppell	Sansom
Henriquez	Lopez-Cantera	Porth	Seiler
Holloway	Machek	Proctor	Simmons
Homan	Mahon	Quinones	Slosberg
Hukill	Mayfield	Reagan	Smith
Jennings	McInvale	Rice	Stargel
Johnson	Meadows	Richardson	Taylor
Jordan	Mealor	Rivera	Traviesa
Kendrick	Murzin	Robaina	Troutman
Kottkamp	Needelman	Roberson	Vana
Kravitz	Negron	Ross	Waters
Kreegel	Patterson	Rubio	Williams
Kyle	Peterman	Russell	Zapata

Nays—1

Stansel

Votes after roll call:  
Yeas—Sobel  
Nays to Yeas—Stansel

So the bill passed, as amended, and was certified to the Senate.

### Motions

On motion by Rep. Negron, the House requested that the Senate pass SB 2600, SB 2602, and all other conforming legislation (CS for SB 388, CS for SB 392, CS for SB 394, CS for SB 400, CS for CS for SB 404, CS for SB 408, CS for SB 410, CS for SB 424, and CS for SB 2584), as amended by the House, or, failing to pass, agree to the appointment of a conference committee.

On motion by Rep. Negron, the staff was permitted to make technical corrections to the general appropriations bill and related legislation.

### Motion to Adjourn

Rep. Rubio moved that the House adjourn for the purpose of receiving reports, holding council and committee meetings, and conducting other House business, to reconvene at 9:00 a.m., Tuesday, April 12, or upon call of the Chair. The motion was agreed to.

### Messages from the Senate

*The Honorable Allan Bense, Speaker*

I am directed to inform the House of Representatives that the Senate has passed HB 331.

*Faye W. Blanton, Secretary*

The above bill was ordered enrolled.

*The Honorable Allan Bense, Speaker*

I am directed to inform the House of Representatives that the Senate has passed HB 625.

*Faye W. Blanton, Secretary*

The above bill was ordered enrolled.

*The Honorable Allan Bense, Speaker*

I am directed to inform the House of Representatives that the Senate has adopted HCR 1127.

*Faye W. Blanton, Secretary*

The above concurrent resolution was ordered enrolled.

**First Reading by Publication**

*The Honorable Allan Bense, Speaker*

I am directed to inform the House of Representatives that the Senate has passed SB 166, as amended, and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By Senators Aronberg and Fasano—

**SB 166**—A bill to be entitled An act relating to child support; amending s. 409.2558, F.S.; requiring the Department of Revenue, prior to determining a collection or refund to be undistributable to make reasonable efforts to locate persons to whom collections or refunds are owed, including disclosure on the Internet of information with appropriate safeguards to protect the privacy of the persons named in the database; providing an effective date.

Referred to the Calendar of the House.

*The Honorable Allan Bense, Speaker*

I am directed to inform the House of Representatives that the Senate has passed SB 904, as amended, and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By Senator Dockery—

**SB 904**—A bill to be entitled An act relating to the privatization of foster care and related services; amending s. 409.1671, F.S.; providing that a lead community-based provider and its subcontractors supplying foster care and related services are exempt from including in written contracts and other written documents certain statements required by law; providing an exception if the lead community-based provider or its subcontractors receive more than 35 percent of their total funding from the state; providing an effective date.

Referred to the Calendar of the House.

**Votes After Roll Call**

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. A. Gibson:

Yeas—March 29: 45

Rep. Gottlieb:

Yeas to Nays—March 29: 51

Rep. Rice:

Nays—April 5: 87

Rep. Russell:

Nays—April 5: 90

**Co-prime Sponsors**

HB 1877—Dean, Rice

**Cosponsors**

HR 1—Benson

HB 17—Zapata

HB 25—Goldstein

HB 27—Clarke, Fields

HB 73—Proctor

HB 93—Bogdanoff, Hukill, Kravitz

HB 101—Goldstein

HB 125—Murzin

HB 143—Reagan

HB 145—Antone, Gannon, A. Gibson, H. Gibson, Greenstein, Kottkamp, Kravitz, Mayfield, Meadows, Pickens, Poppell, Russell

HB 147—Proctor, Sansom

HB 155—Vana

HB 157—Cannon

HB 183—Proctor

HCR 203—Barreiro, Lopez-Cantera

HB 211—Porth

HB 241—Seiler

HJR 245—Richardson, Zapata

HB 253—Hukill

HB 279—Bendross-Mindingall, Berfield, Bilirakis, Brandenburg, Carroll, Clarke, M. Davis, Domino, Glorioso, Goldstein, Gottlieb, Jennings, Johnson, Jordan, Lopez-Cantera, Macheck, Murzin, Needelman, Patterson, Planas, Proctor, Rice, Roberson, Troutman, Vana, Williams

HB 319—Vana

HB 359—Kravitz, Mahon

HB 369—Brandenburg

HB 371—Planas

HB 373—Seiler



- HB 387—Bendross-Mindingall
- HB 405—Proctor
- HB 425—Rivera
- HB 445—Ausley
- HB 481—Carroll, Vana
- HB 483—Proctor
- HB 527—Bendross-Mindingall
- HB 569—Galvano, Lopez-Cantera
- HB 579—Goldstein
- HB 585—Kottkamp
- HB 621—Cannon, Zapata
- HB 643—Clarke, Hukill, Kottkamp, Reagan, Sansom, Seiler, Zapata
- HB 647—Kreegel, Planas
- HB 663—Proctor
- HB 757—Bullard
- HB 761—Cretul
- HB 781—Proctor
- HB 809—Jennings
- HB 823—Lopez-Cantera
- HB 837—Legg
- HB 855—Culp
- HB 869—Rivera
- HB 879—Anderson
- HB 941—Anderson
- HB 1017—Bullard
- HB 1021—Brown, Homan, Jordan, Kottkamp, Proctor, Rivera, Robaina
- HB 1041—Baxley, Simmons
- HB 1045—Goldstein
- HB 1055—Ausley
- HB 1071—Kottkamp
- HB 1081—Grimsley
- HB 1111—Zapata
- HB 1113—Gottlieb
- HB 1163—Bogdanoff, Brown, Goldstein
- HB 1165—Proctor
- HB 1173—Zapata
- HB 1257—Proctor
- HB 1283—Goldstein
- HB 1305—Berfield, Bilirakis, Glorioso, McInvale, Robaina, Ross
- HB 1319—Hasner
- HB 1351—Evers
- HB 1439—M. Davis
- HB 1445—Meadows
- HB 1483—Needelman
- HB 1501—Goldstein
- HB 1505—Anderson
- HB 1511—Holloway
- HB 1513—Murzin, Sansom
- HB 1543—A. Gibson
- HB 1553—Cusack
- HB 1567—Bowen
- HB 1615—Kendrick
- HB 1623—Clarke
- HB 1661—Grimsley, Porth
- HB 1791—Brown
- HB 1841—Brown
- HJR 1843—Brown
- HB 1877—Cretul, Galvano, Glorioso, Hukill, Kreegel, Legg, Llorente, Troutman, Williams, Zapata
- HCR 1879—Hukill
- HR 9053—Goldstein
- HR 9095—Harrell
- HR 9117—Holloway, Rivera, Sansom

### Introduction and Reference

By Representatives Robaina and Zapata—

**HR 9123**—A resolution congratulating the Miami-Dade County Public Schools system on its successful use of the Florida Learn-and-

Serve Program.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Ambler—

**HR 9125**—A resolution congratulating the Gaither High School Marching Cowboy Band on its selection to participate in the Presidential Inaugural Parade in Washington, D.C.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Patterson—

**HR 9127**—A resolution designating Tuesday, April 12, 2005, as "Marc Bernier Day" in Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Traviesa—

**HR 9129**—A resolution honoring the life and example of Pope John Paul II.

First reading by publication (Art. III, s. 7, Florida Constitution).

**HR 9131**—Read the first time earlier today.

## Reference

**HCR 1879**—Referred to the Justice Appropriations Committee and Justice Council.

**HB 1881**—Referred to the Agriculture & Environment Appropriations Committee and State Resources Council.

**HB 1883**—Referred to the Health Care Regulation Committee and Commerce Council.

**HB 1901**—Referred to the Commerce Council and Fiscal Council.

**HB 1903**—Referred to the Governmental Operations Committee and Commerce Council.

**HB 1915**—Referred to the Justice Council.

**HB 1917**—Referred to the Juvenile Justice Committee and Fiscal Council.

**HB 1919**—Referred to the State Administration Council.

**HB 1921**—Referred to the State Administration Council.

**HB 1923**—Referred to the State Administration Council.

**HB 1925**—Referred to the State Administration Council.

**HB 1927**—Referred to the Fiscal Council and State Infrastructure Council.

**HB 1929**—Referred to the Governmental Operations Committee and Justice Council.

**HB 1931**—Referred to the State Administration Council.

**HB 1933**—Referred to the Fiscal Council.

**HB 1935**—Referred to the Justice Appropriations Committee and Justice Council.

**HB 1937**—Referred to the State Administration Appropriations Committee and Commerce Council.

**HB 1939**—Referred to the Governmental Operations Committee and Commerce Council.

## House Resolutions Adopted by Publication

At the request of Rep. Robaina—

**HR 9123**—A resolution congratulating the Miami-Dade County Public Schools system on its successful use of the Florida Learn-and-Serve Program.

WHEREAS, the work of Florida Learn-and-Serve and the Miami-Dade County Public Schools Office of Intergenerational and Service-Learning Programs has provided enhanced educational opportunities to countless students, who, through the hands-on practice of academics to meet community needs, gain priceless knowledge, work skills, behaviors, and habits of citizenship, and

WHEREAS, administered by the Superintendent's Service Learning Advisory Board, Miami-Dade's service-learning program, in existence for 3 years, involves students in kindergarten through grade 12 in service to their communities through numerous civic activities and intergenerational projects, such as those that link students with retirees on various issues, and

WHEREAS, viewed as a crucial segment of effective school-community collaboration, good service-learning practices require strong community voice, orientation and training of participants, and meaningful action for learners, and

WHEREAS, in adopting such programs as the Civil Rights Oral History Project, the World War II Oral History Project, Meet the Candidates Forums, the Biscayne National Park Jones' Family Research Project, and Adopt-A-Grandparent, the Miami-Dade County Public Schools system not only provides incentives for students to perform at their highest levels but also engages and benefits the community at large, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the Miami-Dade County Public Schools system is congratulated on its adoption of the Florida Learn-and-Serve Program, and the Superintendent's Service Learning Advisory Board is commended for the success of this exceptional 3-year program.

—was read and adopted by publication pursuant to Rule 10.16.

## Reports of Councils and Standing Committees

### Received April 5:

The Transportation Committee reported the following favorably:  
HB 397

The above bill was transmitted to the next council or committee of reference, the Justice Appropriations Committee.

The Transportation Committee reported the following unfavorably:  
HB 829

The above bill was laid on the table.

The Economic Development, Trade & Banking Committee reported the following favorably:

HB 1003 with committee substitute.

The above bill was transmitted to the next council or committee of reference, the Finance & Tax Committee, subject to review under Rule 6.3.

The Future of Florida's Families Committee reported the following favorably:

HB 1199 with committee substitute.

The above bill was transmitted to the next council or committee of reference, the Health Care Appropriations Committee, subject to review under Rule 6.3.

The Transportation Committee reported the following favorably:

HB 1411

The above bill was transmitted to the next council or committee of reference, the Governmental Operations Committee.

The Transportation Committee reported the following favorably:

HB 1719

The above bill was transmitted to the next council or committee of reference, the Transportation & Economic Development Appropriations Committee.

#### Received April 6:

The Local Government Council reported the following favorably:

HB 55

The above bill was transmitted to the next council or committee of reference, the Health & Families Council.

The Elder & Long-Term Care Committee reported the following favorably:

HB 59

The above bill was transmitted to the next council or committee of reference, the Domestic Security Committee.

The Civil Justice Committee reported the following favorably:

HB 97

The above bill was transmitted to the next council or committee of reference, the Commerce Council.

The Business Regulation Committee reported the following favorably:

HB 113

The above bill was transmitted to the next council or committee of reference, the Justice Council.

The Governmental Operations Committee reported the following favorably:

HB 129

The above bill was transmitted to the next council or committee of reference, the Justice Appropriations Committee.

The Criminal Justice Committee reported the following favorably:

HB 215

The above bill was transmitted to the next council or committee of reference, the Justice Appropriations Committee.

The Justice Council reported the following favorably:

HB 359

The above bill was placed on the Calendar of the House.

The Health & Families Council reported the following favorably:

HB 369

The above bill was placed on the Calendar of the House.

The Justice Council reported the following favorably:

HB 387

The above bill was placed on the Calendar of the House.

The Judiciary Committee reported the following favorably:

HB 409

The above bill was transmitted to the next council or committee of reference, the Justice Council.

The Economic Development, Trade & Banking Committee reported the following favorably:

HB 449

The above bill was transmitted to the next council or committee of reference, the Education Appropriations Committee.

The Governmental Operations Committee reported the following favorably:

HB 453

The above bill was transmitted to the next council or committee of reference, the Health Care Appropriations Committee.

The Fiscal Council reported the following favorably:

HB 497 with council substitute.

The above bill was transmitted to the next council or committee of reference, the State Infrastructure Council, subject to review under Rule 6.3.

The Future of Florida's Families Committee reported the following favorably:

HB 569

The above bill was transmitted to the next council or committee of reference, the Health Care Appropriations Committee.

The State Infrastructure Council reported the following favorably:

HB 571 with council substitute.

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Criminal Justice Committee reported the following favorably:

HB 649

The above bill was transmitted to the next council or committee of reference, the Governmental Operations Committee.

The Economic Development, Trade & Banking Committee reported the following favorably:

HB 667 with committee substitute.

The above bill was transmitted to the next council or committee of reference, the Insurance Committee, subject to review under Rule 6.3.

The Economic Development, Trade & Banking Committee reported the following favorably:

HB 691

The above bill was transmitted to the next council or committee of reference, the Transportation & Economic Development Appropriations Committee.

The Economic Development, Trade & Banking Committee reported the following favorably:

HB 747

The above bill was transmitted to the next council or committee of reference, the Transportation & Economic Development Appropriations Committee.

The Judiciary Committee reported the following favorably:

HB 809

The above bill was transmitted to the next council or committee of reference, the Health Care Appropriations Committee.

The Civil Justice Committee reported the following favorably:

HB 881

The above bill was transmitted to the next council or committee of reference, the Health Care Appropriations Committee.

The Local Government Council reported the following favorably:

HB 957

The above bill was transmitted to the next council or committee of reference, the Governmental Operations Committee.

The Local Government Council reported the following favorably:

HB 989

The above bill was transmitted to the next council or committee of reference, the State Resources Council.

The Criminal Justice Committee reported the following favorably:

HB 997

The above bill was transmitted to the next council or committee of reference, the Fiscal Council.

The Health Care Regulation Committee reported the following favorably:

HB 1033

The above bill was transmitted to the next council or committee of reference, the Health Care Appropriations Committee.

The Civil Justice Committee reported the following favorably:

HB 1037

The above bill was transmitted to the next council or committee of reference, the State Infrastructure Council.

The Water & Natural Resources Committee reported the following favorably:

HB 1121 with committee substitute.

The above bill was transmitted to the next council or committee of reference, the Agriculture & Environment Appropriations Committee, subject to review under Rule 6.3.

The Future of Florida's Families Committee reported the following favorably:

HB 1195

The above bill was transmitted to the next council or committee of reference, the Justice Council.

The Water & Natural Resources Committee reported the following favorably:

HB 1203

The above bill was placed on the Calendar of the House.

The Local Government Council reported the following favorably:

HB 1243

The above bill was transmitted to the next council or committee of reference, the Governmental Operations Committee.

The Local Government Council reported the following favorably:

HB 1257

The above bill was transmitted to the next council or committee of reference, the Fiscal Council.

The Civil Justice Committee reported the following favorably:

HB 1283 with committee substitute.

The above bill was transmitted to the next council or committee of reference, the State Administration Appropriations Committee, subject to review under Rule 6.3.

The Local Government Council reported the following favorably:

HB 1359

The above bill was transmitted to the next council or committee of reference, the Finance & Tax Committee.

The Elder & Long-Term Care Committee reported the following favorably:

HB 1379

The above bill was transmitted to the next council or committee of reference, the Criminal Justice Committee.

The Local Government Council reported the following favorably:

HB 1389

The above bill was transmitted to the next council or committee of reference, the State Resources Council.

The Civil Justice Committee reported the following favorably:

HB 1403

The above bill was transmitted to the next council or committee of reference, the State Infrastructure Council.

The Local Government Council reported the following favorably:

HB 1419

The above bill was transmitted to the next council or committee of reference, the Finance & Tax Committee.

The Criminal Justice Committee reported the following favorably:  
HB 1435

The above bill was transmitted to the next council or committee of reference, the State Administration Council.

The Local Government Council reported the following favorably:  
HB 1451

The above bill was transmitted to the next council or committee of reference, the Finance & Tax Committee.

The Economic Development, Trade & Banking Committee reported the following favorably:  
HB 1469

The above bill was transmitted to the next council or committee of reference, the Governmental Operations Committee.

The Local Government Council reported the following favorably:  
HB 1487

The above bill was transmitted to the next council or committee of reference, the Finance & Tax Committee.

The Ethics & Elections Committee reported the following favorably:  
HB 1491

The above bill was transmitted to the next council or committee of reference, the Local Government Council.

The Governmental Operations Committee reported the following favorably:  
HB 1513

The above bill was transmitted to the next council or committee of reference, the Judiciary Committee.

The Ethics & Elections Committee reported the following favorably:  
HB 1591

The above bill was transmitted to the next council or committee of reference, the Governmental Operations Committee.

The Criminal Justice Committee reported the following favorably:  
HB 1631

The above bill was transmitted to the next council or committee of reference, the Judiciary Committee.

The Utilities & Telecommunications Committee reported the following favorably:  
HB 1649 with committee substitute.

The above bill was transmitted to the next council or committee of reference, the Transportation & Economic Development Appropriations Committee, subject to review under Rule 6.3.

The Business Regulation Committee reported the following favorably:  
HB 1661

The above bill was transmitted to the next council or committee of reference, the Local Government Council.

The Local Government Council reported the following favorably:  
HB 1687

The above bill was transmitted to the next council or committee of reference, the Judiciary Committee.

The Governmental Operations Committee reported the following favorably:  
HB 1695

The above bill was transmitted to the next council or committee of reference, the Education Council.

The Local Government Council reported the following favorably:  
HB 1705

The above bill was transmitted to the next council or committee of reference, the Governmental Operations Committee.

The Justice Council reported the following favorably:  
HB 1713

The above bill was placed on the Calendar of the House.

Pursuant to Rule 7.9, the Health & Families Council reported a combined bill and the following bills were laid on the table: HB 1869, HB 1871, HB 1873, and HB 1875.

#### **Received April 7:**

The Commerce Council reported the following favorably:  
HB 105

The above bill was placed on the Calendar of the House.

The Governmental Operations Committee reported the following favorably:  
HB 185 with committee substitute.

The above bill was transmitted to the next council or committee of reference, the Future of Florida's Families Committee, subject to review under Rule 6.3.

The Judiciary Committee reported the following favorably:  
HJR 245

The above bill was transmitted to the next council or committee of reference, the Justice Council.

The Commerce Council reported the following favorably:  
HB 423

The above bill was placed on the Calendar of the House.

The Governmental Operations Committee reported the following favorably:  
HB 431

The above bill was transmitted to the next council or committee of reference, the Finance & Tax Committee.

The Elder & Long-Term Care Committee reported the following favorably:  
HB 543 with committee substitute.

The above bill was transmitted to the next council or committee of

reference, the Health Care Appropriations Committee, subject to review under Rule 6.3.

The Commerce Council reported the following favorably:  
HB 565

The above bill was placed on the Calendar of the House.

The Health Care Regulation Committee reported the following favorably:  
HB 587

The above bill was transmitted to the next council or committee of reference, the Justice Council.

The Finance & Tax Committee reported the following favorably:  
HB 753

The above bill was placed on the Calendar of the House.

The Colleges & Universities Committee reported the following favorably:  
HB 917 with committee substitute.

The above bill was transmitted to the next council or committee of reference, the Education Appropriations Committee, subject to review under Rule 6.3.

The Health Care Regulation Committee reported the following favorably:  
HB 1009 with committee substitute.

The above bill was transmitted to the next council or committee of reference, the Health Care Appropriations Committee, subject to review under Rule 6.3.

The Commerce Council reported the following favorably:  
HB 1065

The above bill was placed on the Calendar of the House.

The Environmental Regulation Committee reported the following favorably:  
HB 1141 with committee substitute.

The above bill was transmitted to the next council or committee of reference, the Transportation Committee, subject to review under Rule 6.3.

The Insurance Committee reported the following favorably:  
HB 1149

The above bill was transmitted to the next council or committee of reference, the Business Regulation Committee.

The Finance & Tax Committee reported the following favorably:  
HB 1291

The above bill was placed on the Calendar of the House.

The Transportation & Economic Development Appropriations Committee reported the following favorably:  
HB 1305

The above bill was transmitted to the next council or committee of reference, the State Infrastructure Council.

The Transportation & Economic Development Appropriations Committee reported the following favorably:  
HB 1307

The above bill was transmitted to the next council or committee of reference, the State Infrastructure Council.

The Insurance Committee reported the following favorably:  
HB 1437

The above bill was transmitted to the next council or committee of reference, the State Administration Appropriations Committee.

The Insurance Committee reported the following favorably:  
HB 1443

The above bill was transmitted to the next council or committee of reference, the State Administration Appropriations Committee.

The Ethics & Elections Committee reported the following favorably:  
HB 1589 with committee substitute.

The above bill was transmitted to the next council or committee of reference, the Transportation & Economic Development Appropriations Committee, subject to review under Rule 6.3.

The Health Care Regulation Committee reported the following favorably:  
HB 1609

The above bill was transmitted to the next council or committee of reference, the Health & Families Council.

The Health Care Regulation Committee reported the following favorably:  
HB 1739

The above bill was transmitted to the next council or committee of reference, the Health & Families Council.

### Excused

Reps. Arza, Brutus, Joyner; Rep. Kendrick from 9:28 a.m. until 1:42 p.m.; Rep. Sorensen; Rep. Williams until 10:37 a.m.

### Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 5:34 p.m., to reconvene at 9:00 a.m., Tuesday, April 12, or upon call of the chair.